



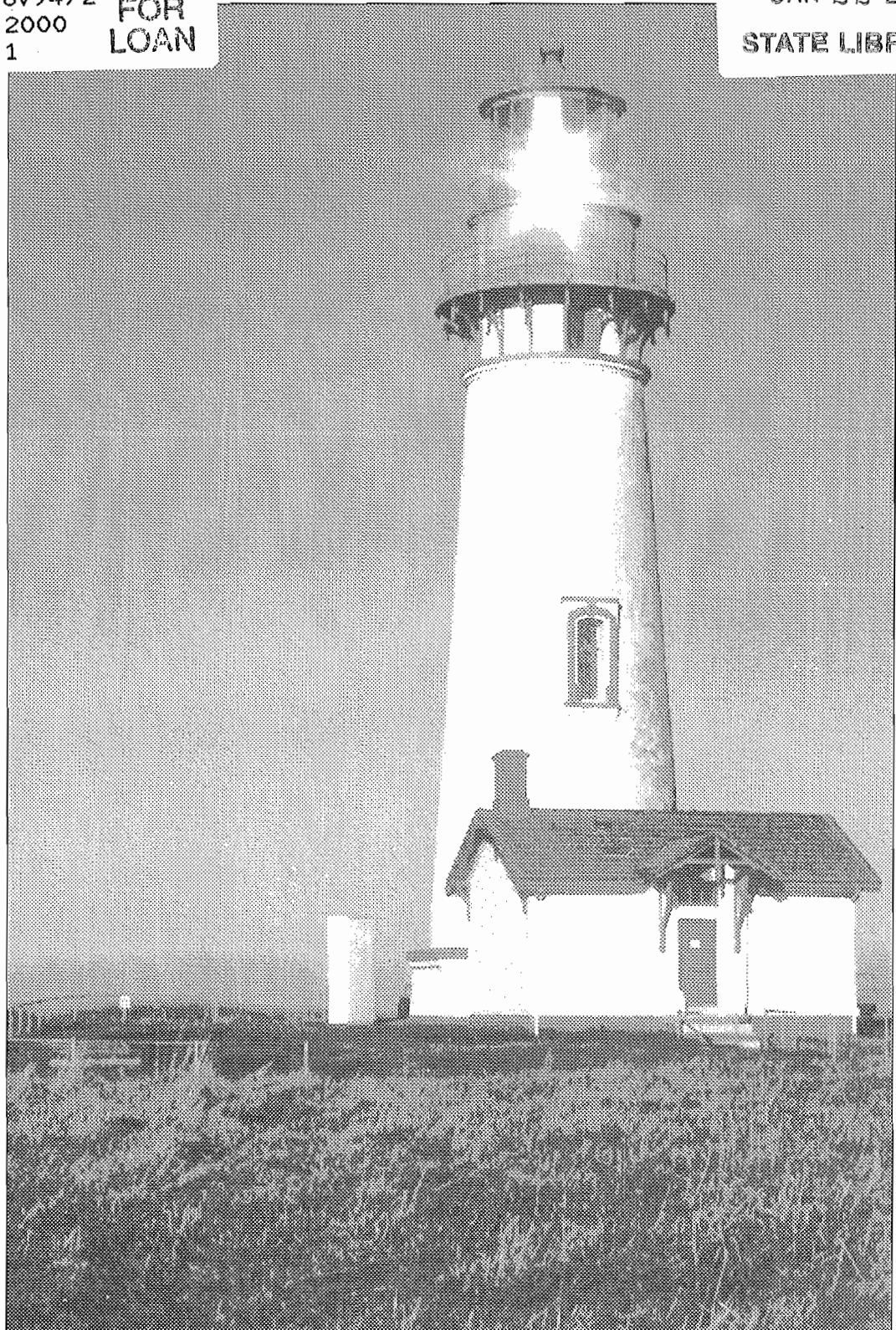
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# voters' pamphlet

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VOTE BY MAIL GENERAL ELECTION, NOVEMBER 7, 2000

Compiled and Distributed by

*Bill Beatty*  
Oregon Secretary of State



This Voters' Pamphlet is provided for assistance in casting your vote by mail ballot.

**BILL BRADBURY**  
SECRETARY OF STATE  
SUZANNE TOWNSEND  
DEPUTY SECRETARY OF STATE



STATE OF OREGON  
SECRETARY OF STATE  
136 STATE CAPITOL  
SALEM, OREGON 97310-0722  
(503) 986-1500

Dear Oregonian:

**This is Volume 1 of the 2-volume 2000 General Election Voters' Pamphlet.** As in the last two general elections, the pamphlet is divided into two volumes: Volume 1 for state measure information and Volume 2 for candidate information. The candidate volume will be mailed in the next seven to ten days.

The size of this book makes it unique and you will notice that it looks more like your telephone directory than the voters' pamphlets you have received in the past. There are 26 state measures on the ballot—the most since 1914. A record setting 607 arguments were either purchased for \$500 or placed for free (requiring 1000 voter signatures). The 26 state measures and 607 arguments have produced the thickest voters' pamphlet in Oregon history.

The pamphlet's increased length means that stapling, which is the usual binding method, will not work. Rather than divide the measures into two volumes, it was more cost effective and convenient to bind it like a telephone book.

I have introduced an innovation for Volume 1 that I hope you will find useful. On the opposite page is a table of contents for the measures. Next to each measure you will see an arrow which lines up with a printed tab that references the impartial information for that measure. The tab serves two purposes. First, it allows you to quickly find a measure. Second, it clearly differentiates between the parts of this book designed to inform you and those trying to influence you. The impartial information about a measure (ballot title, estimate of financial impact, text and explanatory statement) has the printed tab on the page. The information placed by proponents and opponents of the measure has no printed tab and follows the impartial information.

Although this pamphlet looks different, it is just as recyclable as previous voters' pamphlets. I encourage you to recycle it.

This is a unique voters' pamphlet and this will be a unique election. Oregon's election will be the first ever entirely vote-by-mail general election in the United States. To participate in this election, there are some important dates to remember:

- October 17 is the deadline to register to vote.
- October 20 to 24 are the dates that ballots will be mailed out. If you are registered to vote and do not receive a ballot in the mail, call your local county elections office for assistance. The phone number for each office is printed on page 375.
- November 7 at 8:00 p.m. is the deadline for your ballot to be received by a county elections official.

I have issued a challenge to Oregonians to have the highest voter turnout of any state in the nation this fall. To promote this effort, I have launched a website ([www.oregonvotes.com](http://www.oregonvotes.com)) as a clearinghouse for election information. Working together, Oregon can set the mark for the new millennium with an historic voter turnout in our unique vote-by-mail election.

Sincerely,

Bill Bradbury

**On the cover:** *The crisp clear light of a December morning reflects off the glass of the Yaquina Head Lighthouse. At 93 feet, it is the tallest lighthouse on the Oregon coast. First lit in 1873, it is still in service. 1998 photo courtesy of Ron Benton of Waldport, Oregon.*

# Table of Contents – State Measures

		Page	
Measure 83	Amends Constitution: Authorizes New Standards, Priorities for Veterans' Loans; Expands Qualified Recipients	5	<b>83</b> ➔
Measure 84	Amends Constitution: State Must Continue Paying Local Governments for State-Mandated Programs	8	<b>84</b> ➔
Measure 85	Amends Constitution: Modifies Population, Minimum Area Requirements for Formation of New Counties	14	<b>85</b> ➔
Measure 86	Amends Constitution: Requires Refunding General Fund Revenues Exceeding State Estimates to Taxpayers	17	<b>86</b> ➔
Measure 87	Amends Constitution: Allows Regulation of Location of Sexually Oriented Businesses Through Zoning	22	<b>87</b> ➔
Measure 88	Increases Maximum Deductible in Oregon for Federal Income Taxes Paid	31	<b>88</b> ➔
Measure 89	Dedicates Tobacco Settlement Proceeds to Specified Health, Housing, Transportation Programs	40	<b>89</b> ➔
Measure 90	Authorizes Rates Giving Utilities Return on Investments in Retired Property	53	<b>90</b> ➔
Measure 91	Amends Constitution: Makes Federal Income Taxes Fully Deductible on Oregon Tax Returns	59	<b>91</b> ➔
Measure 92	Amends Constitution: Prohibits Payroll Deductions for Political Purposes Without Specific Written Authorization	80	<b>92</b> ➔
Measure 93	Amends Constitution: Voters Must Approve Most Taxes, Fees; Requires Certain Approval Percentage	96	<b>93</b> ➔
Measure 94	Repeals Mandatory Minimum Sentences for Certain Felonies, Requires Resentencing	113	<b>94</b> ➔
Measure 95	Amends Constitution: Student Learning Determines Teacher Pay; Qualifications, Not Seniority, Determine Retention	139	<b>95</b> ➔
Measure 96	Amends Constitution: Prohibits Making Initiative Process Harder, Except Through Initiative; Applies Retroactively	155	<b>96</b> ➔
Measure 97	Bans Body-Gripping Animal Traps, Some Poisons; Restricts Fur Commerce	162	<b>97</b> ➔
Measure 98	Amends Constitution: Prohibits Using Public Resources for Political Purposes; Limits Payroll Deductions	179	<b>98</b> ➔
Measure 99	Amends Constitution: Creates Commission Ensuring Quality Home Care Services for Elderly, Disabled	197	<b>99</b> ➔
Measure 1	Amends Constitution: Legislature Must Fund School Quality Goals Adequately; Report; Establish Grants	207	<b>1</b> ➔
Measure 2	Amends Constitution: Creates Process for Requiring Legislature to Review Administrative Rules	211	<b>2</b> ➔
Measure 3	Amends Constitution: Requires Conviction Before Forfeiture; Restricts Proceeds Usage; Requires Reporting, Penalty	236	<b>3</b> ➔
Measure 4	Dedicates Tobacco-Settlement Proceeds; Earnings Fund Low-Income Health Care	249	<b>4</b> ➔
Measure 5	Expands Circumstances Requiring Background Check Before Transfer of Firearm	265	<b>5</b> ➔
Measure 6	Provides Public Funding to Candidates Who Limit Spending, Private Contributions	284	<b>6</b> ➔
Measure 7	Amends Constitution: Requires Payment to Landowner if Government Regulation Reduces Property Value	309	<b>7</b> ➔
Measure 8	Amends Constitution: Limits State Appropriations to Percentage of State's Prior Personal Income	331	<b>8</b> ➔
Measure 9	Prohibits Public School Instruction Encouraging, Promoting, Sanctioning Homosexual, Bisexual Behaviors	346	<b>9</b> ➔

# Information

## GENERAL

Your official 2000 General Election Voters' Pamphlet is divided into two separate volumes. This was necessary because there are 26 statewide measures and 607 arguments filed in support of or in opposition to these measures. The amount of information is too large to be bound into one book in a cost-effective manner.

This is Volume 1 and contains information on the statewide ballot measures, as well as information on registering to vote and obtaining an absentee ballot. Volume 2 will include the list of state candidates, statements submitted by state candidates, political party statements and drop site locations. It may also include your county Voters' pamphlet if your county chooses to produce a Voters' pamphlet in combination with the state. Volume 2 will be mailed October 18 – 21.

For each of the 26 statewide measures in this Voters' Pamphlet you will find the following information:

- (1) the ballot title;
- (2) estimate of financial impact;
- (3) complete text of the proposed measure;
- (4) explanatory statement; and
- (5) arguments filed by proponents and opponents of the measure.

The ballot title is drafted by the Attorney General's office. It is then distributed to a list of interested parties for public comment. After review of any comments submitted, the ballot title is certified by the Attorney General's office. The certified ballot title can be appealed and may be changed by the Oregon Supreme Court.

The estimate of financial impact for each measure is prepared by a committee of state officials including the Secretary of State, the State Treasurer, the Director of the Oregon Department of Administrative Services and the Director of the Department of Revenue. The committee estimates only the direct impact on state and local governments, based on information presented to the committee.

The explanatory statement is an impartial statement explaining the measure. Each measure's explanatory statement is written by a committee of five members, including two proponents of the measure, two opponents of the measure and a fifth member appointed by the first four committee members, or, if they fail to agree on a fifth member, appointed by the Secretary of State. Explanatory statements can be appealed and may be changed by the Oregon Supreme Court.

Citizens or organizations may file arguments in favor of, or in opposition to, measures by purchasing space for \$500 or by submitting a petition signed by 1,000 voters. Arguments in favor of a measure appear first, followed by arguments in opposition to the measure, and are printed in the order in which they are filed with the Secretary of State's office.

Additionally, measures 83 through 89 were referred to Oregon voters by the 1999 Legislature and you will find a "Legislative Argument in Support" for each of these measures. Oregon law allows the Legislature to submit, at no cost, an argument in support of each measure it refers to the people.

The Voters' Pamphlet has been compiled by the Secretary of State since 1903, when Oregon became one of the first states to provide for the printing and distribution of such a publication. One copy of the Voters' Pamphlet is mailed to every household in the state. Additional copies are available at the State Capitol, local post offices, courthouses and all county election offices.

## WEBSITE

Most of the information contained in this Voters' Pamphlet is also available in the Online Voters' Guide on the World Wide Web at <http://www.sos.state.or.us/elections/nov72000/nov72000.htm>

## ATTENTION:

The State of Oregon prints measure arguments and candidate statements as submitted by the author. The state *does not correct* punctuation, grammar, syntax errors or inaccurate information. The only changes made are attempts to correct spelling errors if the word as originally submitted is not in the dictionary.

Measure arguments are printed for the measures designated by the persons submitting the arguments and appear *in favor* or *in opposition* as designated by the submitters.

## TABLE OF CONTENTS

	Page		Page
County Elections Offices .....	375	Vote by Mail Information .....	374
Disabled Voter Information.....	374	Voter Registration Information .....	373
Measures .....	5		

**YOUR VOTED BALLOT MUST BE RETURNED (POSTMARKS DO NOT COUNT) TO YOUR COUNTY ELECTIONS OFFICE BY ELECTION DAY, TUESDAY, NOVEMBER 7, 2000.**

**County Elections Offices are open on election day from 7 a.m. to 8 p.m.**

# Measure No. 83

Senate Joint Resolution 2—Referred to the Electorate of Oregon by the 1999 Legislature to be voted on at the General Election, November 7, 2000.

## BALLOT TITLE

### **83 AMENDS CONSTITUTION: AUTHORIZES NEW STANDARDS, PRIORITIES FOR VETERANS' LOANS; EXPANDS QUALIFIED RECIPIENTS**

**RESULT OF "YES" VOTE:** "Yes" vote authorizes new standards and priorities, and expands qualified recipients for veterans' loans.

**RESULT OF "NO" VOTE:** "No" vote retains current standards, priorities, and qualifications for veterans' loans.

**SUMMARY:** Amends Constitution. Constitution now authorizes fund from which state makes home, farm loans to veterans who served certain active duty. Measure authorizes Director of Veterans' Affairs to establish standards and priorities for granting loans from fund. Measure eliminates requirement that part of active duty be served between September 15, 1940, and December 31, 1976. Measure provides that active duty includes service in operations for which certain awards are authorized, and does not include training. Measure eliminates outdated language.

**ESTIMATE OF FINANCIAL IMPACT:** The measure authorizes the issuance of additional bonds for veterans home and farm loans in an amount that will be approximately \$50 million during each two-year budget period.

There is no impact on local government expenditures or revenues.

## TEXT OF MEASURE

**Be It Resolved by the Legislative Assembly of the State of Oregon:**

**PARAGRAPH 1.** Sections 1 and 3, Article XI-A of the Constitution of the State of Oregon, are amended to read:

**Sec. 1.** (1) Notwithstanding the limits contained in section 7, Article XI of *[the]* **this** Constitution, the credit of the State of Oregon may be loaned and indebtedness incurred in an amount not to exceed eight percent of the true cash value of all the property in the state, for the purpose of creating a fund, to be known as the "Oregon War Veterans' Fund," to be advanced for the acquisition of farms and homes for the benefit of male and female residents of the State of Oregon who served in the Armed Forces of the United States. Secured repayment thereof shall be and is a prerequisite to the advancement of money from such fund, except that moneys in the Oregon War Veterans' Fund may also be appropriated to the Director of Veterans' Affairs to be expended, without security, for the following purposes:

- [(1)]* (a) Aiding war veterans' organizations in connection with their programs of service to war veterans;
- [(2)]* (b) Training service officers appointed by the counties to give aid as provided by law to veterans and their dependents;
- [(3)]* (c) Aiding the counties in connection with programs of service to war veterans;
- [(4)]* (d) The duties of the Director of Veterans' Affairs as conservator of the estates of beneficiaries of the United States Veterans' Administration; and
- [(5)]* (e) The duties of the Director of Veterans' Affairs in providing services to war veterans, their dependents and survivors.

(2) **The Director of Veterans' Affairs may establish standards and priorities with respect to the granting of loans from the Oregon War Veterans' Fund that, as determined by**

**the director, best accomplish the purposes and promote the financial sustainability of the Oregon War Veterans' Fund, including, but not limited to, standards and priorities necessary to maintain the tax-exempt status of earnings from bonds issued under authority of this section and section 2 of this Article.**

**Sec. 3.** No person shall receive money from the Oregon War Veterans' Fund except the following:

- (1) A person who:
  - (a) Resides in the State of Oregon at the time of applying for a loan from the fund;
  - (b) Served honorably in active duty, **other than active duty for training, in the Armed Forces of the United States:**
    - (A)** For a period of not less than 210 days, *[any part of which occurred between September 15, 1940, and December 31, 1976]* or who was, prior to completion of such period of service, discharged or released from active duty on account of service-connected injury or illness; or
    - (B) In a theater of operations for which a campaign or expeditionary ribbon or medal is authorized by the United States;**
      - (c) Has been honorably separated or discharged from the Armed Forces of the United States or has been furloughed to a reserve; and
      - (d) Makes application for a loan *[either]* within the 30-year period immediately following the date on which the person was released from active duty in the Armed Forces of the United States, *[or not later than January 31, 1985, whichever occurs last].*

(2)(a) The spouse of a person who is qualified to receive a loan under subsection (1) of this section but who has either been missing in action or a prisoner of war while on active duty in the Armed Forces of the United States even though the status of missing or being a prisoner occurred prior to completion of the minimum length of service or residence set forth in subsection (1) of this section, provided the spouse resides in this state at the time of application for the loan.

(b) The surviving spouse of a person who was qualified to receive a loan under subsection (1) of this section but who died while on active duty in the Armed Forces of the United States even though the death occurred prior to completion of the minimum length of service or residence set forth in subsection (1) of this section, provided the surviving spouse resides in this state at the time of application for the loan.

(c) The eligibility of a surviving spouse under this subsection shall terminate on his or her remarriage.

**PARAGRAPH 2.** **The amendment proposed by this resolution shall be submitted to the people for their approval or rejection at the next regular general election held throughout this state.**

NOTE: **Boldfaced** type indicates new language; *[brackets and italic]* type indicates deletions or comments.

# Measure No. 83

## EXPLANATORY STATEMENT

Ballot Measure 83 amends the Oregon Constitution to expand the eligibility for receiving home and farm veterans' loans. The proposed amendment would also authorize the Director of Veterans' Affairs to establish standards and priorities for granting loans from the Oregon War Veterans' Fund.

The Oregon Constitution currently authorizes the state to make home or farm loans to Oregon residents who served honorably in active duty in the Armed Forces of the United States. The active duty must be at least 210 days in length or when discharge or release from active duty of less than 210 days is due to a service-connected injury or illness. In order for an Oregon resident to be eligible for a loan, however, the Constitution requires at least some part of the active duty to have been between September 15, 1940, and December 31, 1976. In addition, the Constitution currently requires loan applications to have been filed not later than January 31, 1985, or within the 30-year period immediately following the date on which the person was released from active duty.

Ballot Measure 83 would eliminate the requirement that a portion of active duty occur prior to 1977. Ballot Measure 83 provides that time spent training while on active duty does not count toward the 210 day minimum length of active duty service.

Ballot Measure 83 retains the requirement that active duty must be for a period of at least 210 days or if discharge from active duty is due to a service-connected injury or illness.

Ballot Measure 83 also establishes an alternative basis for meeting the active duty requirement that does not depend on the length of active duty. Under the alternative, an Oregon resident would be eligible for a veterans' loan if the person's active duty was in a theater of operations for which a campaign or expeditionary ribbon or medal is authorized by the United States. Ballot Measure 83 would also eliminate the requirement that a loan application be filed not later than January 31, 1985, but retains the requirement that application must be made within 30 years after the date of release from active duty.

Home and farm loans to veterans are made from the Oregon War Veterans' Fund. The Oregon War Veterans' Fund is funded by the sale of bonds. Under federal law, the interest income that bondholders receive from these bonds is exempt from federal income taxation. Federal law, however, further provides that the interest on bonds that finance loans to veterans with active duty occurring only after 1976 is not exempt and therefore subject to federal income taxation.

Ballot Measure 83 authorizes the Director of Veterans' Affairs to establish standards and priorities that the director determines best accomplish the purposes and promote the financial stability of the Oregon War Veterans' Fund, including those necessary to maintain the tax-exempt status of interest on bonds that fund Oregon veterans' home and farm loans.

<b>Committee Members:</b>	<b>Appointed By:</b>
Senator Verne Duncan	President of the Senate
Representative Bob Montgomery	Speaker of the House
David S. Barrows	Secretary of State
Rick Hanson	Secretary of State
Kathleen Beaufait	Members of the Committee

*(This committee was appointed to provide an impartial explanation of the ballot measure pursuant to ORS 251.215.)*

# Measure No. 83 Arguments

## LEGISLATIVE ARGUMENT IN SUPPORT

Five states, including Oregon, currently have programs in place that allow veterans who served prior to 1977 to receive lower interest home loans through the Veterans' Home Loan program. This program began in 1944 to serve as an additional benefit for servicemen returning from World War II. Over the years the program has helped many veterans to attain home ownership.

The Oregon Constitution currently limits eligibility for these lower interest home loans to veterans that served prior to 1977, excluding thousands of Oregon veterans who have served our country since the end of the Vietnam War. Ballot Measure 83 would expand eligibility for the program to all residents who served honorably in the military for at least 210 days or who were in a theater of operations where they earned a ribbon or medal.

We urge a "yes" vote on Ballot Measure 83

<b>Committee Members:</b>	<b>Appointed By:</b>
Senator Verne Duncan	President of the Senate
Representative Kathy Lowe	Speaker of the House
Representative Bob Montgomery	Speaker of the House

*(This Joint Legislative Committee was appointed to provide the legislative argument in support of the ballot measure pursuant to ORS 251.245.)*

## ARGUMENT IN FAVOR

The United Veterans' Groups of Oregon recommends a "Yes" vote on Ballot Measure 83 for several important reasons. Passage of Ballot Measure 83 would allow veterans who entered active military service after 1976 and served under honorable conditions to become eligible for the Oregon Department of Veterans' Affairs Veterans' Home Loan Program.

- **The Veterans' Home Loan Program is self-supporting**
  - Program supported entirely by the mortgage payments of those who have received the home loans.
  - Program does not receive any taxpayer money. **There is no cost to the state.**
- **The Veterans' Loan Program has a positive economic impact on the State**

- Since 1945, more than 332,000 loans have been made.
- More than \$7.3 billion has been lent.
- Increases home ownership.
- Creates jobs.
- Strengthens communities.
- Helps support schools.

- **It's the right thing to do**

Thousands of Oregonians have served their state and nation since the end of the Vietnam War. They have served in locations such as Beirut, Lebanon, Somalia, Grenada, and Central America. They continue to serve in the Persian Gulf, Bosnia and Kosovo. They continue to face many of the same risks as their counterparts who served in earlier conflicts. Their service to their state and nation, no less valuable than the service of their earlier peers, should be recognized.

As the umbrella organization representing Congressionally Chartered veterans' service organizations in the State of Oregon, we recommend a "Yes" vote.

R. Bruce Brown, Chairman  
United Veterans' Groups of Oregon

### Member Organizations

Air Force Sergeants' Association  
American Ex-Prisoners of War  
American Legion  
AMVETS  
Disabled American Veterans  
Korean War Veterans Assn.  
Marine Corps League  
Military Order of the Purple Heart  
The Non Commissioned Officers Assn.  
Paralyzed Veterans of America  
The Retired Enlisted Association  
The Retired Officers' Association  
Veterans of Foreign Wars  
Vietnam Veterans of America

*(This information furnished by R. Bruce Brown, United Veterans' Groups of Oregon.)*

*(This space purchased for \$500 in accordance with ORS 251.255.)*

The printing of this argument does not constitute an endorsement by the State of Oregon, nor does the state warrant the accuracy or truth of any statement made in the argument.



# Measure No. 84

84

Senate Joint Resolution 39—Referred to the Electorate of Oregon by the 1999 Legislature to be voted on at the General Election, November 7, 2000.

## EXPLANATORY STATEMENT

### BALLOT TITLE

**84 AMENDS CONSTITUTION: STATE MUST CONTINUE PAYING LOCAL GOVERNMENTS FOR STATE-MANDATED PROGRAMS.**

**RESULT OF "YES" VOTE:** "Yes" vote retains requirement that state pay local governments for costs of state-mandated programs.

**RESULT OF "NO" VOTE:** "No" vote repeals requirement that state pay local governments for costs of state-mandated programs.

**SUMMARY:** This measure retains section 15, Article XI of the Oregon Constitution, which requires state legislature to pay local governments for costs of new state-mandated programs or increased level of services for state-mandated programs. If costs are not paid, local governments need not comply with law or rule requiring program or service. Contains exceptions. Requires 3/5 vote of each house of state legislature to take certain actions reducing state revenues that are distributed to local governments.

**ESTIMATE OF FINANCIAL IMPACT:** There is no financial effect on state or local government expenditures or revenues.

Section 15, Article XI of the Oregon Constitution, requires the state to pay for services that the state requires local governments to provide. Section 15 is repealed by section 15 a of Article XI on June 30, 2001, unless the people vote to keep section 15 in effect. Ballot Measure 84 keeps section 15 in effect.

Section 15 covers administrative, financial, social, health and other specified services that the state requires local governments to provide. For purposes of section 15, "local government" means a city, county, municipal corporation or municipal utility operated by a board or commission.

Under section 15, a local government does not have to provide a service that the state requires if:

- (1) The state fails to pay at least 95 percent of the cost of the required service; or
- (2) The cost of providing the service exceeds one-hundredth of one percent of the local government's budget for the services, not counting the costs met by the state.

The state may provide money for a service by appropriating the funds or by requiring the local government to collect fees or charges.

Section 15 requires that at least 18 of the 30 state Senators and 36 of the 60 state Representatives approve any bill that reduces the money that the state distributes to local governments from the proceeds of a specific state tax.

Section 15 does not apply to:

- (1) A law approved by at least 60 percent of the members of each house of the legislature;
- (2) A service required by a state or federal court;
- (3) A law enacted or approved through an initiative or referendum;
- (4) A service that informs citizens about a local government activity; or
- (5) Any other program or service specified in section 15.

### TEXT OF MEASURE

**Be It Resolved by the Legislative Assembly of the State of Oregon:**

**PARAGRAPH 1.** Section 15a, Article XI of the Constitution of the State of Oregon, is repealed and section 15, Article XI of the Constitution of the State of Oregon, is retained as part of the Oregon Constitution.

**PARAGRAPH 2.** The amendment proposed by this resolution shall be submitted to the people for their approval or rejection at the next regular general election held throughout this state.

**Committee Members:**

Senator Lee Beyer  
 Representative Richard Devlin  
 Representative Deborah Kafoury  
 Representative Bill Witt  
 Kathleen Beaufait

**Appointed By:**

President of the Senate  
 Speaker of the House  
 Secretary of State  
 Secretary of State  
 Members of the Committee

*(This committee was appointed to provide an impartial explanation of the ballot measure pursuant to ORS 251.215.)*

# Measure No. 84 Arguments

## LEGISLATIVE ARGUMENT IN SUPPORT

Measure 84 preserves the voter-approved constitutional requirement for state government to pay for services that it requires local governments to provide.

The "local mandate" provision was added to the Oregon Constitution by Oregon voters as Ballot Measure 30 in the 1996 general election. This section of the Constitution states that, if state government requires a local government to provide new or additional services, then state government must also provide the additional funding to support those services. If the state does not provide the funds, the local government is not required to provide the service.

When voters approved the "local mandate" law in 1996, a provision was included that required voters to review the law in November 2000. Measure 84 provides that review. Unless Measure 84 is approved, the 1996 "local mandate" amendment will be removed entirely from the Constitution. This means that the Legislature will have no restrictions on imposing new service requirements on local governments without funding them.

There are exceptions to the funding requirement. State or federal courts may mandate services or requirements without providing funding. Voters may enact new laws without funding through the initiative process. The Legislature, if at least 60% of the members of each house agree, may enact a new mandate without funding.

The voter approved "local mandate" law has been a success. The law helps to ensure the unique approach each local government has to providing services. Very few pieces of legislation since 1996 have been called into question under this law, a signal that the Legislature and state agencies are seriously considering the cost of funding programs before forcing them on local governments.

We urge you to re-affirm your support for the "no local mandates without funding" law by voting YES on Measure 84.

**Committee Members:**

Senator Lee Beyer  
Representative Richard Devlin  
Representative Kevin L. Mannix

**Appointed By:**

President of the Senate  
Speaker of the House  
Speaker of the House

*(This Joint Legislative Committee was appointed to provide the legislative argument in support of the ballot measure pursuant to ORS 251.245.)*

## ARGUMENT IN FAVOR

Eliminate Hidden Costs and Hidden Taxes

Yes on Measure 84

We must continue to slow the growth of hidden taxes! State government should pay for the programs it enacts. Measure 84 retains this principle of accountability in Oregon's law, passed by the voters in 1996.

Hidden costs result when the state government makes your counties and cities deliver state programs without providing money to pay for them. By their very nature, hidden costs grow and grow with no accountability and no control. As consumers, you know hidden costs get translated into higher prices.

Hidden costs also become higher taxes for you as a local taxpayer. It's like giving the State unlimited authority to charge state programs against your local property taxes **without your approval**.

You have a chance through Ballot Measure 84 to retain Oregon's law limiting unfunded mandates and **assuring future accountability**.

You can assure for the future that the responsibility for enacting government programs and paying for them remains linked together.

You can **stop us from returning to the illusion that people are getting something for nothing**.

**Keep the brakes on the growth of hidden taxes.**

**Vote YES on #84**

Submitted by:

Richard M. Butrick  
President  
Associated Oregon Industries

*(This information furnished by Richard M. Butrick, Associated Oregon Industries.)*

*(This space purchased for \$500 in accordance with ORS 251.255.)*

The printing of this argument does not constitute an endorsement by the State of Oregon, nor does the state warrant the accuracy or truth of any statement made in the argument.

# Measure No. 84 Arguments

## ARGUMENT IN FAVOR

### VOTE YES ON MEASURE 84!

#### STOP UNFUNDED MANDATES!

- A YES VOTE requires the Legislature to provide funding to public safety districts such as fire and 9-1-1 communications, as well as other districts such as water, sewer, parks & recreation, and library whenever the Legislature requires a local government to establish a new program or provide additional services for existing programs.

#### WHO PAYS THE COST OF UNFUNDED MANDATES?

- You the taxpayers or ratepayers end up funding these Legislative mandates when your local districts must provide additional service.

#### VOTERS APPROVED THIS MEASURE IN NOVEMBER 1996!

- Voters already approved this measure once; VOTE YES to permanently require the Legislature to pay for unfunded mandates to our local service providers.

**MAKE THE LEGISLATURE THINK ...  
BEFORE REQUIRING NEW PROGRAMS THAT  
COST YOU MONEY!**

### VOTE YES ON MEASURE 84!

*(This information furnished by Greg Baker, Executive Director, Special Districts Association of Oregon.)*

*(This space purchased for \$500 in accordance with ORS 251.255.)*

The printing of this argument does not constitute an endorsement by the State of Oregon, nor does the state warrant the accuracy or truth of any statement made in the argument.

## ARGUMENT IN FAVOR

### RETAIN OUR MANDATES LAW - VOTE YES ON 84!

Ballot Measure 84

An unfunded mandate is a binding directive from one level of government to another to accomplish something without providing the money to pay for it. Ballot Measure 30, approved by the voters in 1996, changed this practice in Oregon. It required the State to provide money to local governments for the "usual and reasonable" costs of mandates. Local governments are often amenable to receiving responsibilities for services when there is adequate State funding or fiscal flexibility to pay for them. But when we are mandated responsibilities without fiscal assistance, the impact often results in protecting the State budget at the expense of our local budgets. As a result, we are blamed for higher property taxes, fees, and charges to cover costs for which the State government should be held accountable.

In placing Measure 30 on the ballot in 1996, legislators recognized that a partnership must exist between each level of government and fiscal impact discussions must take place before mandate legislation is passed. They also felt a need for a trial period to make sure that the new law would work as they expected.

The trial period has ended and the law has worked very well. There has been greater sensitivity and accountability by the State to the impact of unfunded mandates on our communities' ability to meet our local needs for public safety and community livability. There was one occasion where the State felt it was a statewide priority to impose an unfunded mandate and the necessary two thirds vote was achieved to do so. This is the way the law was designed to work.

Measure 84 is the opportunity to preserve Oregon's voter-approved unfunded mandates provision. Vote for State **accountability** and for **local control**. Vote "Yes" on Measure 84 to continue Oregon's unfunded mandate law.

*(This information furnished by Commissioner Harold Haugen, Josephine County, President, Association of Oregon Counties; Commissioner Steve McClure, Union County, 2nd Vice President, Association of Oregon Counties; Commissioner Charlie Hales, Portland, President, League of Oregon Cities; Mayor Susan Roberts, Enterprise, Vice President, League of Oregon Cities; Greg Baker, Executive Director, Special Districts Association of Oregon.)*

*(This space purchased for \$500 in accordance with ORS 251.255.)*

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# Measure No. 84 Arguments

## ARGUMENT IN FAVOR

**Measure 84 is good news for taxpayers.**

Measure 84 would retain Oregon's constitutional provision approved by the voters in 1996 that state funds cover the expense of future state mandates on local governments.

When state government requires local governments to provide a particular service, but doesn't provide the money to pay for it, an unfunded mandate is created. **It's as if someone else had the ability to write checks from your personal bank account for purchases you might not necessarily approve of or choose for yourself.**

In the past 4 years since passage of Oregon's unfunded mandates law there have been only two unfunded mandates. As a result, local citizens have had greater local resources and choice in deciding to fund local services such as fighting crime, maintaining parks, and helping children at risk. Even in the one case where an unfunded mandate was passed regarding landslides, the Legislature achieved enough consensus to achieve the 2/3's vote necessary to impose it as a statewide priority. **This is how the law was intended to work.**

In these times when economic growth is slowing and county revenues from federal forests continue to decline, it makes no sense for the state legislature to decide how a local government's funds are spent. **If a state service is important enough to become law, it should be funded from the state's resources.**

**State government should pay for state programs and local government should pay for local programs. Unfunded mandates have plagued local planning efforts for years, always at the expense of local taxpayers.**

Vote "Yes" on Measure 84 and **retain Oregon's unfunded mandates law.**

Randall "Randy" Franke  
Patti Milne  
Mike Ryan

*(This information furnished by Randall Franke, Mike Ryan, Patti Milne.)*

*(This space purchased for \$500 in accordance with ORS 251.255.)*

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## ARGUMENT IN FAVOR

**STOP UNFUNDED MANDATES – SUPPORT MEASURE 84**

While reaching agreement on issues these days is very difficult, one issue facing Oregon voters this November 7 is not. The concept is really quite simple. When the State of Oregon approves new programs that cost more money, the State of Oregon shall provide full funding for those programs. **VOTE YES ON MEASURE 84** - stop the list of unfunded mandates placed on local government and local property taxpayers from growing.

WHAT IS AN UNFUNDED MANDATE?

- A program enacted by the State legislature or agencies and given to local government **WITHOUT** adequate funding!

WHO PAYS FOR UNFUNDED MANDATES?

- YOU DO, the local taxpayers through higher property taxes!

CAN WE STOP THESE MANDATES IN THE FUTURE?

- Vote YES on Measure 84

Now is a very important time to retain Article 15 of the Oregon constitution, approved by the Oregon voters in 1996, requiring the State to pay for programs mandated on local governments. The federal and state governments continue to shift responsibility for services to local government. Local taxpayers deserve the assurances of Article 15 in the future that funding to pay for these programs will also be provided. A **YES VOTE** on Measure 84 will keep the State from shifting the hidden tax burden to the local level.

Twelve (12) states already have constitutional amendments limiting unfunded mandates. Congress has also passed a bill limiting federal unfunded mandates. The past four years in Oregon have proven that Measure 30 works – very few unfunded mandates have been passed and less hidden taxes passed on to local taxpayers. Oregon voters deserve to have these assurances in the future as well. Join us and **VOTE YES on Measure 84** to retain Oregon's unfunded mandates law.

*(This information furnished by Bill Bellamy, Jefferson County Commissioner; John Mabrey, Wasco County Judge.)*

*(This space purchased for \$500 in accordance with ORS 251.255.)*

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# Measure No. 84 Arguments

## ARGUMENT IN FAVOR

Say NO to Unfunded Mandates  
Vote YES on Measure 84

There's a basic principle in our Constitution that says, if the state requires a local government to do something, the state must pay the costs of that mandated activity, or the local government need not comply. And, if the state cuts funding for the programs they require, local governments may stop doing them.

It's a simple, sensible principle that's been in place since voters approved it in 1996. It has worked to make the partnership between the state and local governments stronger. It has worked to keep local dollars directed to local services, chosen by local people, rather than being spent on state requirements.

Now we need to keep it working.

Section 15 of the Constitution, which prevents unfunded state mandates on cities, counties, schools and special districts, will be repealed on June 30, 2001 unless Measure 84 is approved. A YES vote on Measure 84 will prevent unfunded mandates from cutting into funding for the local programs that we need. A YES vote on Measure 84 keeps the state accountable for decisions that affect the finances in our communities.

Prevent unfunded mandates, and vote YES on Measure 84!

*(This information furnished by Commissioner Charlie Hales, Portland, Mayor Susan Roberts, Enterprise; League of Oregon Cities.)*

*(This space purchased for \$500 in accordance with ORS 251.255.)*

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## ARGUMENT IN FAVOR

"Unfunded Mandates Law has Worked Well"

Jackson County has experienced numerous revenue losses over the past 4 years and faces uncertain times in the future. Millions of dollars have been lost in reduced forest receipts and even the best hope for a federal forest safety net would only be good for six years. During this period, unfunded mandates from the state would have reduced our citizens ability to choose local services they want. An unfunded mandate occurs when the state requires the county to perform tasks and does not provide funding to pay for it.

The voters of Oregon approved an amendment to Article 15 of the Oregon constitution (Ballot Measure 30) in 1966 which requires the State to pay for services it mandates local government to provide. In the past, these mandates were often unfunded and ate away at our shrinking local tax dollar. As a result of this new law there have been very few unfunded state mandates on Jackson County. The State has been more sensitive in establishing its priorities since they have to pay for mandated services on local government. This has allowed our citizens to have more resources and choice in setting priorities for local services.

When the "unfunded mandates" amendment was approved by the voters in 1996, they included a provision that required voters to review the law in November, 2000. Measure 84 is that review. If Measure 84 is not approved, the 1996 voter-approved "unfunded mandates" amendment will be deleted from the constitution. This would allow the Legislature, once again, to impose new programs on local governments without funding them.

Article 15 of the constitution requiring the state to pay for mandates on local government has proven to be a good law. It should be retained. Avoid hidden taxes. Vote "Yes" on Measure 84.

*(This information furnished by Commissioner Jack Walker, Jackson County; Commissioner Ric Holt, Jackson County.)*

*(This space purchased for \$500 in accordance with ORS 251.255.)*

The printing of this argument does not constitute an endorsement by the State of Oregon, nor does the state warrant the accuracy or truth of any statement made in the argument.

# Measure No. 84 Arguments

## ARGUMENT IN FAVOR

### Ballot Measure 84 is about accountability and local control!

If Ballot Measure 84 is not **readopted** the Legislature and state agencies will once again be able to create programs without budgeting money and force local communities to come up with the funding instead! These **unfunded mandates** place local citizens in the position of increasing their taxes, cutting local programs to find the funds, or breaking the law. They force choices to be made in violation of **local control!**

Ballot Measure 84 is a constitutional amendment that provides a large measure of protection for local control. **It places a permanent constraint on state agencies and the Legislatures ability to mandate programs.** They will have to provide the funds or obtain approval from 3/5th of the Legislature first. It raises the requirements for the services and programs that they want to create.

What is truly unique about Ballot Measure 84 is that **Oregon's voters overwhelming approved an identical Ballot Measure in 1997 (Measure 30).** This was done with the requirement that it be voted on again in the November 2000 election so its effectiveness could be assessed. **After four years of experience it can be said that the idea has worked!** The Legislature and state agencies have drastically limited their practice of creating programs without budgeting state funds to pay for running them. **Local control has greatly benefited from this change in Oregon's constitution.**

**Join me in voting for Ballot Measure 84 to make it permanent. It has earned our support.**

*(This information furnished by Tom Brian.)*

*(This space purchased for \$500 in accordance with ORS 251.255.)*

The printing of this argument does not constitute an endorsement by the State of Oregon, nor does the state warrant the accuracy or truth of any statement made in the argument.

## ARGUMENT IN OPPOSITION

### Measure 84 Damages the Integrity and Cohesion of Our State

Endowed as Oregon is with plentiful natural resources and a diverse population, we don't need to put roadblocks in the way of our ability to address problems arising from Oregon's population growth or changes in the economy. Binding the state's hands to set policy when it must seek to protect the quality of life in Oregon makes no sense.

Important issues are at stake, from to clean air or water standards, to minimum standards for road or building construction, to safety and health for workers on the job. Major efforts to protect the quality of life and business climate in Oregon should not be undermined.

Measure 84 makes it difficult to set new policy in this state and require all governmental jurisdictions within the state to enforce these new policies. Had Measure 84 been in place in earlier decades, Tom McCall might never have been able to promote and pass landmark legislation such as Oregon's Open Beaches law.

### Vote No on Measure 84 Keep Oregon Prepared to Deal With the Future

*(This information furnished by Senator Tony Corcoran, Sen. Dist. 22.)*

*(This space purchased for \$500 in accordance with ORS 251.255.)*

The printing of this argument does not constitute an endorsement by the State of Oregon, nor does the state warrant the accuracy or truth of any statement made in the argument.

# Measure No. 85

House Joint Resolution 28—Referred to the Electorate of Oregon by the 1999 Legislature to be voted on at the General Election, November 7, 2000.

## EXPLANATORY STATEMENT

When the Oregon Constitution was adopted in 1857, the requirement was any new county must contain at least 400 square miles and at least 1,200 inhabitants. The Oregon Constitution also currently forbids existing counties from being reduced to less than 400 square miles or less than 1,200 inhabitants. Ballot Measure 85 would amend the Oregon Constitution, allowing the formation of a new county containing less than 400 square miles, and the reduction of an existing county to less than 400 square miles as long as the new county has at least 100,000 inhabitants. This measure also states a new county may not be created on land from within an existing county unless the remaining population of the existing county is equal to or greater than the new county at the time the new county is established.

<b>Committee Members:</b>	<b>Appointed By:</b>
Senator John Lim	President of the Senate
Representative Ron Sunseri	Speaker of the House
Representative Gary Hansen	Secretary of State
Commissioner Sharron Kelley	Secretary of State
Commissioner Randall Franke	Members of the Committee

*(This committee was appointed to provide an impartial explanation of the ballot measure pursuant to ORS 251.215.)*

85

## BALLOT TITLE

### 85 AMENDS CONSTITUTION: MODIFIES POPULATION, MINIMUM AREA REQUIREMENTS FOR FORMATION OF NEW COUNTIES

**RESULT OF "YES" VOTE:** "Yes" vote modifies population and minimum area requirements for formation of new counties.

**RESULT OF "NO" VOTE:** "No" vote retains current constitutional requirements for minimum area of counties, population of new counties.

**SUMMARY:** Amends constitution. Constitution now requires that all counties have minimum area of 400 square miles and that new counties have minimum of 1200 inhabitants. Measure permits new county to be established with, or existing county to be reduced in size to, less than 400 square miles, provided that new county has more than 100,000 inhabitants. If new county is established on land from existing county, existing county must retain population at least as great as that of new county at time new county is established.

**ESTIMATE OF FINANCIAL IMPACT:** There is no financial effect on state or local government expenditures or revenues.

## TEXT OF MEASURE

Be It Resolved by the Legislative Assembly of the State of Oregon:

**PARAGRAPH 1.** Section 6, Article XV of the Constitution of the State of Oregon, is amended to read:

**Sec. 6.** *[No]* Each county shall *[be reduced to]* consist of an area of **no** less than *[four hundred]* 400 square miles; *nor shall any new county be established in this State containing a less area, nor unless such new county shall contain]* and a minimum population of *[at least twelve hundred]* 1,200 inhabitants. However, a new county may be established with, or an existing county may be reduced to, an area of less than 400 square miles if the new county has more than 100,000 inhabitants. A new county may not be established on land from within an existing county unless the existing county retains a population equal to or greater than the new county at the time the new county is established.

**PARAGRAPH 2.** The amendment proposed by this resolution shall be submitted to the people for their approval or rejection at the next regular general election held throughout this state.

NOTE: **Boldfaced** type indicates new language; *[brackets and italic]* type indicates deletions or comments.

# Measure No. 85 Arguments

## LEGISLATIVE ARGUMENT IN SUPPORT

**History.** The manner of establishing counties in Oregon is unchanged since Oregon's original Constitution of 1857, when the entire population was about 50,000. A county at that time was required to have 400 square miles and 1200 people.

Today, 143 years later, things have changed a great deal. Oregon's population has reached 3.3 million and continues to grow.

**How it Works.** Measure 85 **does not require** the formation of a new county. Instead, it changes the requirements and **allows** a county with less than 400 square miles and 1200 population. A new county may be formed provided it contains at least 100,000 inhabitants.

**Safeguards.** The measure protects existing counties by requiring that the new county may form only if it leaves an equal to or greater population in the existing county. Also, State taxes shared by all counties (for example, gas taxes and cigarette taxes) are distributed based on population, not on the number of counties.

Not every city or county in Oregon would or could be affected by Measure 85 because of the 100,000 population requirement, but in no case will any new county even begin without a vote of the local communities involved.

**Local Control.** Measure 85 is an extension of citizens' right of self-determination. Measure 85 creates a choice for Oregonians, a protection against consolidating and centralizing governments when local communities may oppose such bigger, more expensive government. Measure 85 eliminates 1857 guidelines and creates another tool for Oregonians to meet the changing needs of our State in a new Century.

We urge your "yes" vote.

**Committee Members:**

Senator John Lim  
Representative Vic Backlund  
Representative Ron Sunseri

**Appointed By:**

President of the Senate  
Speaker of the House  
Speaker of the House

*(This Joint Legislative Committee was appointed to provide the legislative argument in support of the ballot measure pursuant to ORS 251.245.)*

## ARGUMENT IN FAVOR

Vote YES on Measure 85

The rules for establishing new counties have not changed since 1857 when the Oregon Constitution was adopted. County size was based, in part, on the distance a man could cover on horseback in one day (approximately 400 square miles) and a population requirement of at least 1,200 residents. Today, 143 years later, time and distance are measured by the speed of the Internet instead of a day's horseback ride. Oregonians' governance requirements have also changed.

Oregon's population is now numbered in the millions instead of thousands and our land use laws now concentrate people in cities. It's common to have a number of communities with residents having very different personal requirements living close together within a county. Communities that are still somewhat rural in nature find themselves needing relief from county tax systems that support mostly big city programs in the larger community.

Measure 85 eliminates the 400 square mile county size requirement in communities with populations of 100,000 or more, and allows voters to establish new counties. Measure 85 protects existing counties by requiring that a new county may be formed only if it leaves an equal or greater population behind. Since those state taxes which are given back to counties (liquor, cigarette and gasoline taxes) are based on a per capita basis, each citizen's share of such taxes remains the same.

Measure 85 is about choice. It's not Civil War or the Boston Tea Party. Measure 85 protects small communities from fiscal and political impacts caused if a large city and a county join and centralize services. Measure 85 gives voters in local communities the right to reject efforts to force them to join a more expensive and less personal government. That protection is an important thing to remember about Measure 85.

Debra Noah      Gussie McRobert      David Widmark

*(This information furnished by Debra Noah, Gussie McRobert, David Widmark.)*

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# Measure No. 85 Arguments

## ARGUMENT IN FAVOR

Vote YES on Ballot Measure 85

This measure is not about new counties. This is simply about choices and options. It's that simple. When Portland and Multnomah County looked at merging into one governmental entity, which they seem to do every five to ten years, Gresham, Troutdale, Fairview or Wood Village choose to not merge into the City-County entity, there were very few options. Through joint work by elected officials from the East Multnomah County region, some laws were changed which would allow the people outside of Portland the choice to merge into another county, only by popular vote. But the best option, our own small county, is not possible at this time. This measure changes that.

The Oregon Constitution's provisions for forming a new County are old and outdated. This amendment will allow a final, last choice of forming a new County which is small in area but not in population. This choice is the best in fiscal matters and the best for self-governance. There is no fiscal impact to this measure. Tax revenue for existing counties remaining unchanged will not be reduced or changed.

This choice is simply the final option to make self-governance a possibility in certain urban regions with large populations. This will not tear the county map of Oregon asunder. It will not ruin cities or counties. It will simply allow a choice for people numbering at least 100,000 strong to change political affiliations should a much larger population choose to change their governmental structure. A minority will not be forced into a large governmental experiment if they should choose not to do so.

Again, this is about choice. Should one large population choose to merge into a big government, Measure 85 simply allows the remaining population to create their own smaller, more representative county.

John A. Leuthauser

*(This information furnished by John A. Leuthauser.)*

*(This space purchased for \$500 in accordance with ORS 251.255.)*

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## ARGUMENT IN FAVOR

Oregon has changed a lot since 1857

In 1857 Oregon's Constitution was created by a Constitutional Convention. After weighty debates on slavery, suffrage, prohibition, and the rights of citizens, the Convention also considered more mundane issues like "how are we going to form counties?"

In the 1857, Oregon was sparsely populated. Oregon contained about a hundred thousand square miles of land but fewer than fifty thousand settlers. The Convention took this into consideration when it decided that new counties must minimally contain 400 square miles and 1200 people.

Since 1857, Oregon's population has swollen past three million. Most of those people live in the northern end of the Willamette Valley, with the odd result that Oregon's smallest counties are also the most heavily populated. As neighbors become packed in closer together, they begin to notice that there are significantly different interests within their county. Some of these differences can be resolved, but often one part of a county dominates another politically. The result is that those citizens feel unrepresented by their county government.

Measure 85 provides a solution to this.

By recognizing the changes Oregon's population, Measure 85 provides citizens with the choice to form a new county that more closely represents their interests.

What will Measure 85 do?

- Oregonians will be able to form a new county by a popular vote.
- A new requirement of 100,000 people will replace the old requirement of 400 square miles.

What will Measure 85 not do?

- It will not alter the distribution of legislators at the state level.
- It will not strip existing counties of population. New counties must leave behind more people than they take.

What will Measure 85 mean?

- Politically oppressed populations will be free to form a new county that better reflects their interests.
- Oregonians will have more choices in determining how they choose to live.
- Local governments will more closely reflect the interests of the people that they serve.

**Vote YES on Measure 85.**

*(This information furnished by Richard P. Burke, Mainstream Liberty Caucus.)*

*(This space purchased for \$500 in accordance with ORS 251.255.)*

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# Measure No. 86

House Joint Resolution 17—Referred to the Electorate of Oregon by the 1999 Legislature to be voted on at the General Election, November 7, 2000.

## BALLOT TITLE

### **86** AMENDS CONSTITUTION: REQUIRES REFUNDING GENERAL FUND REVENUES EXCEEDING STATE ESTIMATES TO TAXPAYERS

**RESULT OF "YES" VOTE:** "Yes" vote establishes constitutional requirement to refund general fund revenues exceeding state estimates to taxpayers.

**RESULT OF "NO" VOTE:** "No" vote rejects constitutional requirement to refund general fund revenues exceeding state estimates to taxpayers.

**SUMMARY:** Amends Constitution. Current statutes require state to estimate future general fund revenues from corporate income/excise taxpayers and from personal income taxpayers and require refunds to either of those two categories of taxpayers when revenues received from that category of taxpayers exceed estimate by two percent. Measure creates constitutional provision establishing such "kicker" refund determinations and requiring refunds when revenues received exceed estimates by two percent. Allows legislature to determine how revenues shall be returned to taxpayers. First applies to biennium beginning July 1, 2001.

**ESTIMATE OF FINANCIAL IMPACT:** There is no financial effect on state or local government expenditures or revenues.

## TEXT OF MEASURE

Be It Resolved by the Legislative Assembly of the State of Oregon:

**PARAGRAPH 1.** The Constitution of the State of Oregon is amended by creating a new section 14 to be added to and made a part of Article IX, such section to read:

**SECTION 14.** (1) As soon as is practicable after adjournment sine die of a regular session of the Legislative Assembly, the Governor shall cause an estimate to be prepared of revenues that will be received by the General Fund for the biennium beginning July 1. The estimated revenues from corporate income and excise taxes shall be separately stated from the estimated revenues from other General Fund sources.

(2) As soon as is practicable after the end of the biennium, the Governor shall cause actual collections of revenues received by the General Fund for that biennium to be determined. The revenues received from corporate income and excise taxes shall be determined separately from the revenues received from other General Fund sources.

(3) If the revenues received by the General Fund from corporate income and excise taxes during the biennium exceed the amount estimated to be received from corporate income and excise taxes for the biennium, by two percent or more, the total amount of the excess shall be returned to corporate income and excise taxpayers.

(4) If the revenues received from General Fund revenue sources, exclusive of those described in subsection (3) of this section, during the biennium exceed the amount estimated to be received from such sources for the biennium, by two percent or more, the total amount of the excess shall be returned to personal income taxpayers.

(5) The Legislative Assembly may enact laws:

(a) Establishing a tax credit, refund payment or other mechanism by which the excess revenues are returned to taxpayers, and establishing administrative procedures connected therewith.

(b) Allowing the excess revenues to be reduced by administrative costs associated with returning the excess revenues.

(c) Permitting a taxpayer's share of the excess revenues not to be returned to the taxpayer if the taxpayer's share is less than a de minimis amount identified by the Legislative Assembly.

(d) Permitting a taxpayer's share of excess revenues to be offset by any liability of the taxpayer for which the state is authorized to undertake collection efforts.

(6)(a) Prior to the close of a biennium for which an estimate described in subsection (1) of this section has been made, the Legislative Assembly, by a two-thirds majority vote of all members elected to each House, may enact legislation declaring an emergency and increasing the amount of the estimate prepared pursuant to subsection (1) of this section.

(b) The prohibition against declaring an emergency in an act regulating taxation or exemption in section 1a, Article IX of this Constitution, does not apply to legislation enacted pursuant to this subsection.

(7) This section does not apply:

(a) If, for a biennium or any portion of a biennium, a state tax is not imposed on or measured by the income of individuals.

(b) To revenues derived from any minimum tax imposed on corporations for the privilege of carrying on or doing business in this state that is imposed as a fixed amount and that is nonapportioned (except for changes of accounting periods).

(c) To biennia beginning before July 1, 2001.

**PARAGRAPH 2.** The amendment proposed by this resolution shall be submitted to the people for their approval or rejection at the next regular general election held throughout this state.

86

# Measure No. 86

## EXPLANATORY STATEMENT

86

Ballot Measure 86 adds a new section to the Oregon Constitution. It would require refunds to taxpayers when state General Fund revenues exceed state estimates of General Fund revenues by two percent or more, as currently required by statute.

Current statutory law requires the state to estimate General Fund revenues separately from corporate income and excise taxes and from all other sources, including personal income taxes, for each two-year state budget period (also called a biennium). If collections for the biennium from either corporate income and excise taxes or from other General Fund revenue sources exceed their estimates by two percent or more, current statutes require that the surplus over 100% of the estimate, commonly known as the "kicker," be refunded to taxpayers in the form of a direct refund or through a tax credit.

Ballot Measure 86 would establish these "kicker" refunds as constitutional requirements. As under current law, Ballot Measure 86 would require "kicker" refunds to be determined separately for corporate taxpayers and for personal income taxpayers.

Ballot Measure 86 would permit the Legislative Assembly, by a two-thirds majority vote of all members elected to each house, to increase the estimates at any time during the two-year state budget period. The effect of an increase in an estimate would be to reduce or eliminate the "kicker" refunds otherwise due taxpayers under Ballot Measure 86. By contrast, the Oregon Constitution currently permits the Legislative Assembly to modify or eliminate the statutory "kicker" by a three-fifths majority vote of all members elected to each house of the Legislative Assembly.

Ballot Measure 86 would permit the Legislative Assembly to determine the means by which "kicker" refunds are returned to taxpayers, to deduct administrative costs from refunds, to withhold refunds of very small ("de minimis") amounts and to offset a taxpayer's refund against outstanding liabilities owed by the taxpayer to the state.

Ballot Measure 86 would apply to biennia beginning on or after July 1, 2001.

**Committee Members:**

Senator Bill Fisher  
 Representative Tim Knopp  
 Senator Neil Bryant  
 Representative Ken Strobeck  
 Jerry Hudson

**Appointed By:**

President of the Senate  
 Speaker of the House  
 Secretary of State  
 Secretary of State  
 Members of the Committee

*(This committee was appointed to provide an impartial explanation of the ballot measure pursuant to ORS 251.215.)*

# Measure No. 86 Arguments

## LEGISLATIVE ARGUMENT IN SUPPORT

### HISTORY OF THE "KICKER LAW"

The surplus "kicker law", enacted in 1979, provided for the return of, or a credit on, personal and corporate/excise taxes when collections exceeded projected revenues by at least two percent. The 1979 law applied to the biennium beginning July 1, 1979 only, unless approved by the voters at the 1980 primary election. On May 20, 1980, the voters approved continuance of the "tax reduction program" by a vote of 636,565 to 64,979.

Under the "kicker law", state economists issue a forecast at the end of every legislative session projecting what they think income tax collections will be in the coming two-year budget period. If actual revenue exceeds 2 percent more than the forecast, the extra tax collected, including the 2 percent, must be refunded. Individual and corporate/excise kicker dollars are calculated separately.

This kicker refund has been triggered seven times since 1981, returning a total of \$1.2 billion in personal income tax and \$426 million in corporate/excise tax. The Legislature kept the personal kicker dollars in 1989-91 and the corporate/excise kicker dollars in 1991-93 to balance the budget.

### NEW TAXPAYER PROTECTIONS

Current law requires a three-fifths vote in each house of the Legislative Assembly to keep the kicker dollars. Ballot Measure 86 amends Oregon's Constitution to require an increase to a 2/3 vote in each house of the Legislative Assembly to keep the kicker dollars.

The "kicker law" is a statute. Like any other statute, it can be amended or repealed by the legislature. Ballot Measure 86 would assure that the "kicker law" could only be amended or repealed by a vote of the people.

#### Committee Members:

Senator Bill Fisher  
Representative Tim Knopp  
Representative Jackie Winters

#### Appointed By:

President of the Senate  
Speaker of the House  
Speaker of the House

*(This Joint Legislative Committee was appointed to provide the legislative argument in support of the ballot measure pursuant to ORS 251.245.)*

## ARGUMENT IN FAVOR

### Support the Kicker

#### Return the People's money to the People!

The "kicker" has been the single most popular version of tax reform in the history of Oregon. It is a very simple. The Governor and Legislature balance the budget then return the remaining funds collected over 2% to the people of Oregon.

This amendment must be placed in the Constitution next to the requirement to balance the State budget. You would think a law would be good enough!

Unfortunately, Democratic Governors and Democratic Legislators have consistently tried to spend your money. They have opposed returning a dime of your money. It is not pay as you go but steal as you go in their book!

The Republican Legislature fought hard to return non-budgeted funds back to the people. Despite rhetoric, the Republican Legislature funded education at the highest level in Oregon history, and passed education accountability in the form of school report cards.

Rhetoric claiming the amendment will hurt education is false. The Legislature and Governor can work together.

Small businesses support the "kicker." It is common sense accountability of elected officials. Look at the real tax brackets for Oregon small businesses that make up 96% of the economy:

- Federal tax bracket 28 to 36%
- Employee SS FICA 8%
- State income tax 9%
- Business portion SS FICA 15%
- Property tax 2%
- Health insurance payments

Local businesses are tax bracketed at 63% to 70%. Small businessmen make less than elected officials or government employees. Any retirement savings comes out of the leftovers that feed and cloth their children. Local businesses support local government, and expect local government to support the local economy.

The Republican Legislature asked Oregonians to send a tax message. Small businesses cannot afford higher taxes.

Please support the "kicker" amendment, and look forward to any refund due at Christmas.

Respectfully,

Brian J. Boquist  
North Indian Creek Ranch  
ICI Cattle & Timber Company  
International Charter Incorporated of Oregon

*(This information furnished by Brian J. Boquist, Managing Partner & Director, North Indian Creek Ranch, ICI Cattle & Timber Company LLC, International Charter Incorporated of Oregon.)*

*(This space purchased for \$500 in accordance with ORS 251.255.)*

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# Measure No. 86 Arguments

## ARGUMENT IN FAVOR

OREGON HOUSE SPEAKER LYNN SNODGRASS  
SUPPORTS BALLOT MEASURE 86

"It's not the bureaucrats' money, it belongs to Oregon families!"

"The kicker is an over-collection of money, and  
people are entitled to a refund."

"Measure 86 was placed on the ballot by the Oregon Legislature  
on my watch,  
and I want to make sure taxpayers get back  
what's rightfully theirs."

"Oregon families work hard, they pay taxes, when we collect  
too much, it's our moral obligation to return the excess."

"Help curb the growth of government by putting the kicker  
in the Oregon Constitution."

VOTE YES ON MEASURE 86

Lynn Snodgrass  
Speaker of the House

*(This information furnished by Lynn Snodgrass, Speaker of the House.)*

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## ARGUMENT IN OPPOSITION

**Oregon League of Women Voters Opposes Measure 86.**

The League of Women Voters of Oregon is a grass-roots, non-partisan organization which encourages informed and active participation of citizens in government. Since 1920, the League has worked to inform voters, improve our political process and strengthen our democracy.

**The League of Women Voters of Oregon opposes Measure 86 because it does not belong in the Constitution.**

The Constitution is the fundamental legal document which establishes permanent rules governing the State. It is inappropriate and unreasonable to clutter the Constitution with detailed language and policy on taxes and budgets. The Constitution should rarely be changed. Tax and budget policy to meet new circumstances and changing needs can be made by statute, either by the Legislature or by citizen initiative.

**Simply put, rules about what happens when "general fund revenues exceed state estimates by more than two percent" do not belong in the same place as our fundamental guarantees of freedom of speech, freedom of assembly, and freedom of religion.**

The League is also concerned about this measure as tax and budget policy. It is not wise to have a law which, in effect, prevents the state from establishing a surplus fund to use in hard economic times.

Even if this measure reflected good tax and budget policy, it still should have no place in the Constitution.

**PLEASE JOIN US IN VOTING "NO" ON MEASURE 86.**

*(This information furnished by Paula Krane, President, League of Women Voters of Oregon.)*

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# Measure No. 86 Arguments

## ARGUMENT IN OPPOSITION

**GOVERNOR JOHN KITZHABER URGES  
A "NO" VOTE ON MEASURE 86  
IT'S FISCALLY IRRESPONSIBLE AND DOES NOT  
BELONG IN THE CONSTITUTION**

Dear Fellow Oregonians:

As Governor, I share responsibility for the fiscal stewardship of our State. In making decisions about taxes and spending, I am obliged to think about how those decisions will affect our State, not just in these good economic times, but in the hard times that we know we will someday face.

Measure 86 is fiscally irresponsible. It will make it extremely difficult, if not impossible, for the State to ever build up a savings account in good times – an account that we will need to meet the emergency needs we are certain to have during the next economic downturn.

Measure 86 also gives Constitutional force to State economists' estimates of future revenues. The measure tells the State what can and cannot happen when an economist's estimate is off by more than 2%. The Constitution should not be amended lightly.

**Please join me in voting "No" on Measure 86.**

*(This information furnished by John A. Kitzhaber, M.D.)*

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## ARGUMENT IN OPPOSITION

**The Oregon AFL-CIO Recommends a  
NO Vote on Measure 86**

We believe tax relief should be targeted to those who need it most – to Oregon's working families.

Unfortunately, the "kicker law" as currently written has generated disproportionate tax credits for our least needy taxpayers – Oregon's largest, most profitable corporations.

In the 1990s, kicker credits for corporate taxpayers averaged 18% per biennium, while refunds to individual taxpayers averaged only 5% per biennium. And most of the refunds to individuals went to our highest-income taxpayers.

The kicker law is one reason that we have seen a dramatic shift in Oregon's tax burden from businesses to individual taxpayers over the last decade – and why funding for schools and human services has been squeezed while we have enjoyed unprecedented economic prosperity.

**A formula that produces such grossly unfair tax credits for our least needy taxpayers – and undermines funding for public education -- should not be placed in our constitution.**

Please join us in voting No on Measure 86.

Tim Nesbitt, President  
Brad Witt, Secretary-Treasurer  
Oregon AFL-CIO

*(This information furnished by Tim Nesbitt, Oregon AFL-CIO Committee on Political Education.)*

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# Measure No. 87

House Joint Resolution 52—Referred to the Electorate of Oregon by the 1999 Legislature to be voted on at the General Election, November 7, 2000.

## EXPLANATORY STATEMENT

### BALLOT TITLE

#### **87 AMENDS CONSTITUTION: ALLOWS REGULATION OF LOCATION OF SEXUALLY ORIENTED BUSINESSES THROUGH ZONING**

**RESULT OF "YES" VOTE:** "Yes" vote allows zoning of sexually oriented businesses without showing threatened or actual neighborhood harm.

**RESULT OF "NO" VOTE:** "No" vote retains ban on zoning businesses based on content of speech, expression presented there.

**SUMMARY:** Amends constitution. Oregon Constitution allows regulation of location of sexually oriented businesses upon showing of threatened or actual neighborhood harm other than exposure to sexual expression, and only as other businesses' locations regulated for same harm. Federal constitution permits some zoning of sexually oriented businesses. Measure would allow zoning of such businesses without showing threatened or actual harm, to extent permitted by federal constitution. Covers commercial establishments whose principal business is nude dancing, nude entertainment or production, distribution or display of representations of sexual activity.

**ESTIMATE OF FINANCIAL IMPACT:** There is no financial effect on state or local government expenditures or revenues.

Ballot Measure 87 would add a new section to the Bill of Rights of the Oregon Constitution. Ballot Measure 87 would remove the limitations that the state constitutional right of free expression (Article 1, Section 8) places on the authority of a local government, such as a city or county, to regulate through zoning the location of a "sexually oriented business," in favor of the zoning authority allowed by the United States Constitution. The United States Constitution gives each city and county more ability to zone the location of sexually oriented businesses than does Article 1, Section 8 of the Oregon Constitution.

Under current Oregon law, cities and counties have the authority to regulate the locations of all businesses. However, if a local government seeks to regulate the location of a sexually oriented business based only on the content of what it displays or sells, then that is a violation of the business' right to free expression under the Oregon Constitution. Article 1, Section 8 provides that the government shall pass no law "restraining the free expression of opinion, or restricting the right to speak, write, or print freely on any subject whatever." Therefore, if a local government currently wants to specially zone the location of sexually oriented businesses, the government has to show some threatened or actual neighborhood harm from the business.

Ballot Measure 87 would allow local governments to specially zone the location of sexually oriented businesses without showing any threatened or actual harm, to the extent that the United States Constitution permits. The "sexually oriented businesses" covered by Ballot Measure 87 are those whose "principal business" is: nude dancing; nude entertainment; or the production, distribution or display of representations of sexual activity.

### TEXT OF MEASURE

**Be It Resolved by the Legislative Assembly of the State of Oregon:**

**PARAGRAPH 1.** The Constitution of the State of Oregon is amended by creating a new section 42 to be added to and made a part of Article I, such section to read:

**SECTION 42. (1) Notwithstanding section 8 of this Article, to the extent permitted by the United States Constitution, political subdivisions in this state may, through the use of zoning authority, regulate the location of sexually oriented businesses.**

**(2) As used in this section, "sexually oriented business" means a commercial establishment, the principal business of which is nude dancing, nude entertainment or the production, distribution or display of representations of sexual activity.**

**PARAGRAPH 2.** The amendment proposed by this resolution shall be submitted to the people for their approval or rejection at the next regular general election held throughout this state.

**Committee Members:**

Senator Neil Bryant  
 Representative Rob Patridge  
 David Fidanque  
 Representative Floyd Prozanski  
 Roy Pulvers

**Appointed By:**

President of the Senate  
 Speaker of the House  
 Secretary of State  
 Secretary of State  
 Members of the Committee

*(This committee was appointed to provide an impartial explanation of the ballot measure pursuant to ORS 251.215.)*

# Measure No. 87 Arguments

## LEGISLATIVE ARGUMENT IN SUPPORT

**Measure 87 amends Oregon's Constitution to allow cities and counties to locate sexually oriented businesses.**

Today under Oregon law, nude dancing establishments and adult bookstores are able to locate in our neighborhoods and next to our local schools and parks because cities and counties are powerless to keep sexually oriented businesses away from the most vulnerable members of our community, our children.

Oregon is one of two states in the Nation that prohibits cities and counties from determining, through zoning, the proper location of sexually oriented businesses in their community. Measure 87 allows cities and counties to determine where sexually oriented businesses are located in their community.

Measure 87 specifically defines "sexually oriented businesses" as a commercial establishment, the principal business of which is the production, distribution or display of representation of sexual activity to insure that innocent businesses are not affected.

- Measure 87 allows local communities to determine the location of sexually oriented businesses.
- Measure 87 will not affect public libraries, convenience stores and normal bookstores.
- Measure 87 will not result in the censoring of books, magazines or videotapes.
- Measure 87 will not ban sexually oriented businesses.

Measure 87 provides a common sense approach to give local communities the tools they need to improve the quality of life in their community.

**Measure 87 is only about...location, location, location!**

**Committee Members:**

Senator Neil Bryant  
 Representative Randall Edwards  
 Representative Rob Patridge

**Appointed By:**

President of the Senate  
 Speaker of the House  
 Speaker of the House

*(This Joint Legislative Committee was appointed to provide the legislative argument in support of the ballot measure pursuant to ORS 251.245.)*

## ARGUMENT IN FAVOR

If you're married, suppose I could take the very heart of your relationship with your spouse into my hands. And then suppose I took this beautiful love that brought you together as man and wife, and tarnish it, demean it, defile it, and cause it to be deformed.

The Bible strongly affirms the beauty, blessedness, and joy of sexual relationships in the context of marriage. In the most intimate of our moments as man and wife, we express love in a way that is most blessed. Clearly, this is what we desire for our children as they mature and move towards marriage.

But this is precisely what is attacked by the satanic pornography industry. Young men become brute beasts, and women impersonal objects in the minds of those dominated by pornography. This is the horror of pornography. Not that it makes sex fiends of some, but that it **removes the wonder and beauty of Biblical sexuality in the context of marriage**, tarnishing the most intimate of our human relationships. How can it help but wreak havoc on the public good?

The Bible is the standard by which all men's actions must be properly evaluated and governed. It tells us that civil government's job is to effect public good by restraining certain sins as it punishes evildoers (Rom. 13:4) and by praising the righteous (2 Pet. 2:14).

Adultery was a capital crime in the Old Testament (Lev. 20:10). Our English word tells us something about this sin. Adultery **adulterates** (debases, contaminates, makes impure) the relationship with one's mate. It eats away at the very fabric of society. It must be restrained.

Clearly, the Bible asserts that pornography is a like sin, an adulterating evil (Matt. 5:27-30; Rom. 1:24; Gal. 5:19; Rev. 21:27). It must be strongly discouraged by the civil government. We therefore support Measure 87.

Prepared by the **Parents** Education Association, a family-based Biblical Alternative to the National Education Association

*(This information furnished by Dennis R. Tuuri, Parents Education Association.)*

*(This space purchased for \$500 in accordance with ORS 251.255.)*

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# Measure No. 87 Arguments

## ARGUMENT IN FAVOR

### SUPPORT SMART PLANNING Vote Yes on 87

We are a neighborhood group from Portland.  
We are not anti-porn. We are pro-smart planning.

#### Our Story.

There are seven adult businesses along a three-mile stretch of the commercial strip by our neighborhood. About two years ago a sex superstore located at a neighborhood access point -- directly across the street from homes -- a couple blocks from an elementary school.

The Portland City Council wanted to help with zoning, so did the state legislature. They could do absolutely nothing.

**Cities can zone gas stations, liquor stores and farms.  
Why do sex shops have special protections from zoning?**

Our group ranges from liberal Democrats to conservative Republicans. We have rejected offers of help from the Christian Coalition. We are not a religious group.

We are average citizens who are fighting for our neighborhood. Will you help us?

#### Adult Business Effect Neighborhoods

Austin: a study documents sex crimes occurring at a 66% higher rate where there are multiple sexually oriented businesses.

Los Angeles: responses to a property owner survey find that when adult oriented businesses locate near business - female patrons decrease and attracting employees is harder.

Indianapolis: appraisers find homes within 1,000 feet of a new adult business devalue an average of 20%.

#### BM 87 is already law in 48 states.

In 48 states -- city and state governments have the authority to zone adult businesses.

48 states (including Nevada, Louisiana and New York) -- have laws similar to Measure 87, yet clearly adult business continue to satisfy customers.

#### Measure 87 allows smart planning

Some claim that they wouldn't mind if a sex shop opened across from their school, home or community center.

This is elitism.

If they shared the experience of effected neighborhoods they would care. Poorer communities shouldn't be dumping grounds for the secondary effects of sex shop clusters.

**The Portland City Council voted August 24, 2000 to support Measure 87**

**Vote "YES" on 87**

*(This information furnished by Russ Brown, SIEGE: A Campaign Against Porn Near Homes and Schools.)*

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## ARGUMENT IN FAVOR

### NUDE DANCING

### ADULT BOOKSTORES

**DID YOU KNOW UNDER OREGON LAW THESE BUSINESSES CAN LOCATE NEXT DOOR TO YOUR ...**

### SCHOOLS

### DAY CARE CENTERS

### PARKS

**AND YOU CAN'T DO ANYTHING ABOUT IT!**

Measure 87 empowers local communities to decide where sexually oriented businesses locate.

*The Oregonian* said about Measure 87, then House Joint Resolution 52:

**"It would give Oregonians a chance to deal with the proliferation of sex-oriented businesses and the helplessness of people who want to keep the businesses away from their homes and schools."**

**"It would simply invite voters to give their local elected officials the same ability to zone for sex shops that they have for other businesses."**

**"It would not lower Oregon's standards of free expression."** (June 29, 1999 Editorial)

In bipartisan cooperation, these legislators voted to refer Measure 87 to you:

#### State Representatives

Atkinson  
Beyer  
Close  
Edwards  
Gianella  
Hill  
Jenson  
Knopp  
Krummel  
Lehman  
Lewis  
Lowe  
Mannix  
Messerle  
Montgomery  
Patridge  
Schrader  
Snodgrass  
Strobeck  
Wells  
Williams  
Winters

Backlund  
Butler  
Devlin  
Gardner  
Harper  
Hopson  
Kafoury  
Kropf  
Kruse  
Leonard  
Lokan  
Lundquist  
Merkley  
Minnis  
Morgan  
Ross  
Shetterly  
Starr  
Sunseri  
Welsh  
Wilson  
Witt

#### State Senators

Adams  
Bryant  
Corcoran  
Courtney  
Derfler  
Dukes  
Duncan  
Ferrioli  
Fisher  
Hannon  
Hartung  
Lim  
Miller  
Nelson  
Qutub  
Shannon  
Shields  
Tarno  
Timms  
Yih

**PROTECT OUR CHILDREN  
RETURN LOCAL CONTROL TO LOCAL COMMUNITIES  
VOTE YES ON 87**

Authorized by Oregonians for Children,  
712 East Jackson, Medford, OR 97504, (541)732-0644,  
www.Oregon87.org

*(This information furnished by Peter Cheney, Oregonians for Children.)*

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# Measure No. 87 Arguments

## ARGUMENT IN FAVOR

### FREE EXPRESSION IS SAFE UNDER MEASURE 87

Local choice through zoning, "would not -- as it should not -- trample on freedoms of expression as outright bans would do," *The Oregonian* newspaper said in its June 29, 1999 editorial favoring Measure 87 (then House Joint Resolution 52).

### **THE OREGONIAN CALLS MEASURE 87 A, "SENSIBLE, NECESSARY CONSTITUTIONAL AMENDMENT."**

"Courts in other states have accepted zoning restrictions on the sex industry. Since 1987, though, the Oregon Supreme Court's interpretations of the state constitution's freedom of speech provisions have consistently thwarted local efforts to regulate sex shops," *The Oregonian* said.

Measure 87 refers, "to voters a clean, straightforward change in the state constitution."

Measure 87 allows cities and counties to locate sexually oriented businesses in appropriate areas of a community without trying to ban them.

It gives, "Oregonians a chance to deal with the proliferation of sex-oriented businesses and the helplessness of people who want to keep the businesses away from their homes and schools," *The Oregonian* said.

### **MEASURE 87 IS DIFFERENT FROM PAST BALLOT MEASURES**

"A straightforward, uncluttered measure to amend the constitution to allow zoning of sex-oriented businesses would not revive the arguments about what's obscene or moral that contributed to defeats of measures in 1994 and 1996. It would not lower Oregon's standards of free expression," *The Oregonian* said.

"It would simply invite voters to give their local elected officials the same ability to zone for sex shops that they have for other businesses."

### **SUPPORT FOR MEASURE 87 MAKES SENSE**

"Oregonians deserve a ballot referral on this question that is uncluttered with either morality-driven provisions or industry-sponsored exceptions," *The Oregonian* said.

### **PROTECT OUR CHILDREN SUPPORT COMMON-SENSE VOTE YES ON 87**

Authorized by Oregonians for Children,  
712 East Jackson, Medford, OR 97504, (541)732-0644,  
www.Oregon87.org

*(This information furnished by Peter Cheney, Oregonians for Children.)*

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## ARGUMENT IN FAVOR

### SEX SHOP <--- 450 Feet ---> ELEMENTARY SCHOOL

Is this what you want for your child or grandchild?

It is happening in Oregon today!!!

### **DON'T LET IT HAPPEN IN YOUR COMMUNITY VOTE YES ON 87**

Do you want a sex shop within 450 Feet of your child's elementary school? In Coos Bay children are forced to live with this reality and parents are powerless to do anything about it.

Today, Oregon law prohibits citizens and local governments from locating sexually oriented businesses away from places children play like schools, parks, and day care centers. A **YES** vote on Measure 87 gives local citizens an opportunity to say where sexually oriented businesses locate in their community.

Measure 87 will not censor or ban adult business. Local communities in 48 states have the ability to say where sexually oriented businesses locate in their community. Give your community an opportunity to say where sexually oriented businesses locate.

### **IF YOU WANT A VOICE IN WHERE SEXUALLY ORIENTED BUSINESSES ARE LOCATED IN YOUR COMMUNITY**

**VOTE YES ON 87!!!!**

### THESE MAYORS SAY VOTE "YES" ON 87

CITY	MAYOR
Beaverton	Rob Drake
Bend	Jim Young
Eugene	Jim Torrey
Forest Grove	Richard Kidd
Grants Pass	Gordon Anderson
Gresham	Charles Becker
Hillsboro	Gordon Faber
Irrigon	Linda Fox
Lake Oswego	Bill Klammer
Oregon City	John F. William, Jr.
Salem	Mike Swaim
Sherwood	Walt Hitchcock
Silverton	Ken Hector
Wilsonville	Charlotte Lehan

### **PROTECT OUR CHILDREN RETURN LOCAL CONTROL TO LOCAL COMMUNITIES VOTE YES ON 87!!!!!!**

Authorized by Oregonians for Children,  
712 East Jackson, Medford, OR 97504, (514)732-0644,  
www.Oregon87.org

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# Measure No. 87 Arguments

## ARGUMENT IN OPPOSITION

### OREGON LIBRARIANS AGAINST CENSORSHIP URGE YOU TO VOTE NO ON MEASURE 87!

We are librarians who cherish the right of all Oregonians to decide for ourselves what we want to read, see and hear in the privacy of our own homes.

Measure 87 is written in way that would weaken that fundamental protection of the Oregon Bill of Rights and open the door to censorship in Oregon.

We don't need to weaken the Oregon Bill of Rights to deal with the zoning of "sexually oriented businesses" and we shouldn't.

### LOCAL GOVERNMENTS HAVE ALL THE POWER THEY REALLY NEED

Currently, cities and counties have broad zoning authority to restrict and regulate the locations of all businesses. If a business causes problems, cities and counties already have the power to shut down those businesses.

Measure 87 will give cities and counties the power to shut down businesses even if they aren't causing any problems—just because the politicians think those businesses are offensive.

We shouldn't give politicians the power to decide for us what we can read, see or hear. Once they start to censor which art galleries we can go to—or what video stores or movie theaters—where will the censorship stop?

### DON'T OPEN THE DOOR TO CENSORSHIP! VOTE NO ON MEASURE 87!!

Colleen Bell	Jeanne Goodrich	Larry R. Oberg
Karyle Butcher	Carol Hildebrand	Carolyn S. Peake
Diedre Conkling	Curtis L. Kiefer	Wyma Jane Rogers
Ginnie Cooper	Candace Morgan	Joanna Rood
Robert Ray Craddick	Mary Norman	Janet Webster
Carole Dickerson		

*(This information furnished by Jeanne Goodrich, No Censorship - No on Measure 87 Committee.)*

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## ARGUMENT IN OPPOSITION

### THE LEGISLATURE SHOULDN'T HAVE IGNORED THE WILL OF THE VOTERS

### VOTE NO ON MEASURE 87!

As legislators, we were appalled when a majority of our colleagues voted to refer another censorship ballot measure to the voters.

As the voters, you have already rejected similar measures twice before: Measure 19 in 1994 and Measure 31 in 1996.

Both times you said: "NO - DON'T WEAKEN THE FREE EXPRESSION PROTECTIONS OF THE OREGON BILL OF RIGHTS!"

What part of "NO" doesn't the legislature understand?

There are lots of reasons why you should reject this measure a third time, but one of the best is to remind the majority of Legislators that it was wrong for them to assume that you didn't know what you were doing the first two times you cast your vote on this issue.

### PLEASE JOIN US IN VOTING NO ON MEASURE 87!!

Senator Kate Brown	Rep. Dan Gardner
Senator Ginny Burdick	Rep. Gary Hansen
Senator Lee Beyer	Rep. Kitty Piercy
Senator Susan Castillo	Rep. Floyd Prozanski
Senator Cliff Trow	Rep. Jackie Taylor
Rep. Chris Beck	Rep. Vicki Walker
Rep. Jo Ann Bowman	

*(This information furnished by Andrea R. Meyer, No Censorship - No on Measure 87 Committee.)*

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# Measure No. 87 Arguments

## ARGUMENT IN OPPOSITION

This measure is about freedom. Our freedom as adults to make informed choices. Make no mistakes, this measure is meant to eliminate adult entertainment, not merely to rezone it. The proponents of this measure would have you believe that this is merely a way to move adult businesses away from what they deem to be sensitive areas. In truth, it will allow cities to eliminate those businesses through zoning restrictions.

This same type of measure has been attempted in major cities across the country. Where it has passed, the adult industry has been effectively eliminated. All while under the guise of merely rezoning.

We are currently afforded a choice when it comes to the adult entertainment in this state. If this measure passes, and adult businesses are shut down, or forced into the most undesirable locations, our choice has been eliminated.

Both tolerance and intolerance have a way of spreading. If we as individuals become intolerant of the views of those around us, they will in turn become intolerant of us. We needn't accept the views of our neighbors, we only need to realize that they have just as much right to express their views as we do. As tolerance grows, our society as a whole becomes a better place to live.

Opposing this measure doesn't necessarily mean that you support the adult entertainment industry. It means you recognize its right to exist, regardless of whether you support it. There is a fine line between showing someone how you believe life should be lived, and telling them how they should live. This measure crosses that line.

Freedom is a gift that is passed from one generation to the next. With each constraint that we place on ourselves, with each diminished freedom, with each choice removed, we are that much weaker as a people. By passing a measure such as this one, we are restricting that freedom not only for ourselves, but for future generations.

*(This information furnished by Rob Reynolds.)*

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## ARGUMENT IN OPPOSITION

### MEASURE 87 WOULD WEAKEN THE OREGON BILL OF RIGHTS!

#### VOTE "NO" ON MEASURE 87

As a former Justice of the Oregon Supreme Court, I have spent a lot of time thinking about the practical application of the Oregon Bill of Rights to the everyday lives of Oregonians.

We should be proud of our state Bill of Rights which has protected us against the possible excesses of government since we became a state in 1859.

Unfortunately, when the Legislature decided to send Measure 87 to the ballot, they chose to undermine the Bill of Rights. Here is the current language of Article 1, section 8—the provision of Oregon Constitution that Measure 87 would partially repeal:

"No law shall be passed restraining the free expression of opinion, or restricting the right to speak, write, or print freely on any subject whatever; but every person shall be responsible for the abuse of this right."

### MEASURE 87 TAKES AWAY YOUR RIGHTS TO FREE EXPRESSION

For over 140 years, this language in the Oregon Bill of Rights has protected the right of all Oregonians to decide for ourselves what we want to read, see and hear in the privacy of our own homes. If passed, Measure 87 will partially replace our current constitutional guarantee of free expression with weaker federal constitutional provisions.

We don't need to erode our basic freedoms to deal with the problems caused by "sexually oriented businesses." Local governments already have all the power they need to deal with businesses that are causing problems.

### DON'T WEAKEN THE OREGON BILL OF RIGHTS! VOTE NO ON MEASURE 87!!

Betty Roberts, Retired Justice, Oregon Supreme Court

*(This information furnished by Betty Roberts, No Censorship - No on Measure 87 Committee.)*

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# Measure No. 87 Arguments

## ARGUMENT IN OPPOSITION

### SUPPORT THE ARTS VOTE "NO" ON MEASURE 87!!

As Oregon artists, authors, performers, and educators, we know that Measure 87 is a threat to artistic freedom in Oregon because it would allow local governments to decide for you what businesses are "sexually oriented."

There is no telling which art galleries, theaters, concert halls, book stores or neighborhood video stores might fit the politicians' idea of a "sexually oriented business" if Measure 87 is approved.

Oregon has a proud history of artistic freedom—in large part because the Oregon Bill of Rights contains some of the strongest protections for free expression in the country. But Measure 87 would weaken that protection and open the door to government censorship.

We've seen what happens in other states with weaker free expression protections:

- politicians tried to shut down the Cincinnati Art Institute when it sponsored an exhibit of sexually suggestive photos
- in Oklahoma City, officials tried to shut down a local video store because it rented "The Tin Drum"

If Measure 87 is approved, instead of deciding for ourselves what we want to read, see and hear, the politicians will make those decisions for us.

Don't be fooled. Measure 87 weakens the Oregon Bill of Rights and Oregon's protection of free expression. We don't need to do that and we shouldn't!!

### Support Oregon artists. Vote No on Measure 87!!

- Ursula K. LeGuin, author
- James Canfield, choreographer
- Dan Reed, musician
- Kristy Edmunds, artist
- Henk Pander, artist
- John Daniel, author
- Valerie Brooks, writer
- Phillip M. Margolin, author
- Jan Elliot, cartoonist ("Stone Soup")
- Molly Gloss, author
- Peter Sears, poet, teacher, publisher
- Jessica Maxwell, author
- Sydney Thompson, Community of Writers
- Thomas M. Lauderdale, musician and artistic director, Pink Martini
- Sally C. Lawrence, President, Pacific Northwest College of Arts
- Judith Barrington, writer and director of the Flight of the Mind Writing Workshops
- Ruth Gundle, publisher, The Eighth Mountain Press

*(This information furnished by Joan Biggs, No Censorship - No on Measure 87 Committee.)*

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## ARGUMENT IN OPPOSITION

### HERE'S WHAT THE LEGISLATORS WHO WROTE MEASURE 87 ARE HOPING YOU WON'T FIGURE OUT

The legislators who wrote Measure 87 want you to believe they're not taking away your freedom. **That's just not true.**

Here are some other things the supporters of Measure 87 are hoping you won't realize before you vote:

- It will partially repeal the Oregon Bill of Rights protection of free expression that hasn't been changed since we became a state in 1859.
- It will replace our current free expression protections with weaker federal constitutional standards.
- Cities and counties already have the power to shut down businesses that cause problems.
- While Measure 87 won't allow banning adult businesses, it will require local governments to set aside areas in every city and county where "sexually oriented" businesses can locate.
- City and county politicians will have the power to put sex shops in your neighborhood. They'll have to put them somewhere.
- Depending on how the politicians define "sexually oriented" businesses, this measure could cover art galleries, bookstores, neighborhood video stores and even internet service providers.
- What's worse, all 276 cities and counties in the state could adopt different standards for what is and isn't the "principal business" of "commercial establishments" who sell or rent products that include nudity or "representations" of "sexual activity." This patchwork quilt of censorship laws will mean an art gallery that's legal in one community might be shut down in the neighboring town.

Can you imagine government employees checking with your local bookstore to see if they've sold too many romance novels by Nora Roberts lately? Maybe your neighborhood video store has rented too many R-rated movies this month. Once censorship gets started, there's no telling where it will go.

### DON'T GIVE UP YOUR BILL OF RIGHTS PROTECTION OF FREE EXPRESSION!

### VOTE NO ON MEASURE 87!!

Oregon Coalition for Free Expression

*(This information furnished by Janet Arenz, Oregon Coalition for Free Expression.)*

*(This space purchased for \$500 in accordance with ORS 251.255.)*

The printing of this argument does not constitute an endorsement by the State of Oregon, nor does the state warrant the accuracy or truth of any statement made in the argument.

# Measure No. 87 Arguments

## ARGUMENT IN OPPOSITION

**THE ACLU URGES YOU TO VOTE NO ON MEASURE 87**

**MAKE SURE YOU READ THE FINE PRINT!!**

What the proponents of Measure 87 haven't told you is that this amendment to the Oregon Bill of Rights will give every city council and county commission the power to locate "sexually oriented" businesses wherever they want, and they will have to allow them to locate somewhere. They could locate these businesses in **your** neighborhood or even create a **red light district** near **your** home or business.

**MEASURE 87 HAS A HUGE LOOPHOLE!**

The legislators who wrote Measure 87 are hoping that you'll never read or think about the actual language of this constitutional amendment before you vote.

The measure covers "commercial establishments" whose "principal business" is nude dancing or nude entertainment. The problem is that nude dancing bars and taverns make the vast majority of their revenue from the sale of alcohol and video poker.

In order to apply Measure 87 to nude dancing bars and taverns, cities and counties will have to define "principal business" in a way that will sweep in mainstream art galleries, bookstores and neighborhood video stores.

That's why we say Measure 87 will open the door to censorship. We don't need the government deciding which pictures in art galleries and museums are "sexually oriented." We also don't need the government checking the inventory of neighborhood bookstores to see how many books have passages with "representations" of sexual activity.

Tell the Legislature **one more time** they shouldn't try to repeal the free expression protection of **our** Constitution.

**DON'T WEAKEN OUR BILL OF RIGHTS!  
VOTE NO ON MEASURE 87!!**

For more information write to ACLU of Oregon  
PO Box 40585, Portland, OR 97240  
or go to [www.aclu-or.org](http://www.aclu-or.org)

*(This information furnished by David Fidanque, American Civil Liberties Union of Oregon.)*

*(This space purchased for \$500 in accordance with ORS 251.255.)*

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## ARGUMENT IN OPPOSITION

**Vote No on Measure 87**

Oregon has the strongest free speech protections in the country. It is a testament to the strength and diversity of our society that we protect speech that is socially unpopular. This measure will open the door to new forms of censorship in Oregon. It's a bad idea.

Most of us realize that we do not have the right to tell our neighbors what they can watch or read, especially in the privacy of their own homes. People who do not realize this are known as busybodies.

This is the third time in recent years that busybodies have tried to carve exceptions into Oregon's free speech clause. The voters defeated the busybodies the first two times, yet the Legislature has referred it to us a third time. How many times will we have to defeat this before the Legislature gets the message?

This measure turns zoning codes into busybody weapons. Who knows where the busybodies will stop? This amendment catches mainstream movie theaters, playhouses, bookstores, video rental stores, website operators and even libraries in its net. How many of your choices do you want determined by the busybodies?

**If Measure 87 passes:**

**Busybodies may decide that a local theater doesn't show enough G-Rated movies.**

**Busybodies may decide that the local playhouse has too many risque performances.**

**Busybodies may decide that your neighborhood bookstore sells too many romance novels.**

If Measure 87 passes the Constitution will no longer protect your choices.

If you care about the choices available to you, please vote NO on Measure 87.

If you are a busybody, there is always therapy....

**Furnished by the Libertarian Party of Oregon**

The Libertarian Party of Oregon is the third largest political party in the state. Libertarians are fiscally conservative and socially tolerant, we believe that government should be limited to protecting our freedoms while ensuring personal responsibility.

For more information call 1 (800) 829-1992 or visit our web site at [www.lporegon.org](http://www.lporegon.org)

*(This information furnished by Eric Winters, Libertarian Party of Oregon.)*

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# Measure No. 87 Arguments

## ARGUMENT IN OPPOSITION

### **DON'T OPEN THE DOOR TO CENSORSHIP! VOTE NO ON MEASURE 87!!**

As business owners of traditional bookstores, movie theaters, art galleries, and music stores, we think it's a bad idea to let politicians close down legal businesses or force them to move just because they don't like the content of the expression that takes place in those businesses.

That's censorship by the government and that's what Measure 87 is all about.

### **CITIES & COUNTIES CAN ALREADY SHUT DOWN BUSINESSES THAT ARE CAUSING PROBLEMS**

### **WE DON'T NEED TO WEAKEN THE BILL OF RIGHTS!**

Most of us don't care for "sexually oriented businesses" and we don't spend our money at those places. But we don't need to repeal the Oregon Bill of Rights free expression protection to deal with businesses that are causing problems.

Local governments already have the power to go after businesses that are causing problems. Measure 87 allows government to target businesses that aren't causing harm to their neighbors.

### **MEASURE 87 PUTS LEGAL BUSINESSES AT RISK**

Once we allow restrictions on legal businesses because politicians find them offensive, there will be no way to know where the censorship will stop. Measure 87's definition of "sexually oriented business" is wide open for abuse. The measure doesn't restrict how politicians will determine the "principal business" of a commercial establishment.

The last thing we need in Oregon is morality police in bookstores, movie theaters and art galleries monitoring what we sell and what you buy!

### **MEASURE 87 IS AN INVITATION TO CENSORSHIP VOTE NO ON MEASURE 87!!**

Michael Powell, Powell's Books  
Bill Kloster, Looking Glass Bookstore, Portland  
Roberta Tichenor, Annie Blooms Books, Portland  
Thomas Ranieri, Cinema 21, Portland  
Terry Currier, Music Millennium, Portland  
Larry West, The Book Mark, Eugene  
Jack Wolcott, Grass Roots Books & Music, Corvallis  
Candy Moffett, Alder Gallery, Eugene  
Michael Lamont, Bijou Art Cinemas, Eugene  
Victoria Frey, Quartersaw Gallery, Portland  
Mark Woolley, Mark Woolley Gallery, Portland  
Photographic Image Gallery, Portland  
Pulliam Deffenbaugh Gallery, Portland

*(This information furnished by Michael Powell, No Censorship - No on Measure 87 Committee.)*

*(This space purchased for \$500 in accordance with ORS 251.255.)*

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# Measure No. 88

Senate Bill 535—Referred to the Electorate of Oregon by the 1999 Legislature to be voted on at the General Election, November 7, 2000.

## BALLOT TITLE

### **88 INCREASES MAXIMUM DEDUCTIBLE IN OREGON FOR FEDERAL INCOME TAXES PAID**

**RESULT OF "YES" VOTE:** "Yes" vote increases maximum deductible on Oregon income tax returns for federal income taxes paid.

**RESULT OF "NO" VOTE:** "No" vote retains current cap on amount deductible in Oregon for federal income taxes paid.

**SUMMARY:** Under current Oregon law, taxpayers may deduct up to \$3000 on their Oregon income tax returns for federal income taxes paid; spouses filing their Oregon tax returns separately may deduct up to \$1,500. Measure would increase those amounts to \$5,000 and \$2,500, respectively. Applies to tax years beginning on or after January 1, 2002. Requires cost of living adjustment for calendar years beginning on or after January 1, 2003. Provides no replacement funds and reduces revenues available for general government expenditures.

**ESTIMATE OF FINANCIAL IMPACT:** By allowing a larger subtraction of federal personal income taxes from Oregon income, this measure would reduce state revenue by approximately \$47 million in fiscal year 2001-02, \$120 million in fiscal year 2002-03 and approximately \$130 million per year thereafter. This impact will grow according to growth in overall income tax revenue.

There is no financial effect on local government expenditures or revenues.

## TEXT OF MEASURE

### AN ACT

Relating to taxation; creating new provisions; amending ORS 316.687 and 316.695; and providing that this 1999 Act shall be referred to the people for their approval or rejection.

#### Be It Enacted by the People of the State of Oregon:

##### **SECTION 1.** ORS 316.695 is amended to read:

316.695. (1) In addition to the modifications to federal taxable income contained in this chapter, there shall be added to or subtracted from federal taxable income:

(a) If, in computing federal income tax for a taxable year, the taxpayer deducted itemized deductions, as defined in section 63(d) of the Internal Revenue Code, the taxpayer shall add the amount of itemized deductions deducted (the itemized deductions less an amount, if any, by which the itemized deductions are reduced under section 68 of the Internal Revenue Code).

(b) If, in computing federal income tax for a taxable year, the taxpayer deducted the standard deduction, as defined in section 63(c) of the Internal Revenue Code, the taxpayer shall add the amount of the standard deduction deducted.

(c)(A) From federal taxable income there shall be subtracted the larger of (i) the taxpayer's itemized deductions or (ii) a standard deduction. Except as provided in subsection [(9)] (B) of this section, for purposes of this subparagraph, "standard deduction" means the sum of the basic standard deduction and the additional standard deduction.

(B) For purposes of subparagraph (A) of this paragraph, the basic standard deduction is:

(i) \$3,000, in the case of joint return filers or a surviving

spouse;

(ii) \$1,800, in the case of an individual who is not a married individual and is not a surviving spouse;

(iii) \$1,500, in the case of a married individual who files a separate return; or

(iv) \$2,640, in the case of a head of household.

(C) For purposes of subparagraph (A) of this paragraph, the additional standard deduction is the sum of each additional amount to which the taxpayer is entitled under subsection [(8)] (7) of this section.

(D) As used in subparagraph (B) of this paragraph, "surviving spouse" and "head of household" have the meaning given those terms in section 2 of the Internal Revenue Code.

(E) In the case of the following, the standard deduction referred to in subparagraph (A) of this paragraph shall be zero:

(i) A husband or wife filing a separate return where the other spouse has claimed itemized deductions under subparagraph (A) of this paragraph;

(ii) A nonresident alien individual;

(iii) An individual making a return for a period of less than 12 months on account of a change in his or her annual accounting period;

(iv) An estate or trust;

(v) A common trust fund; or

(vi) A partnership.

(d) For the purposes of paragraph (c)(A) of this subsection, the taxpayer's itemized deductions are the sum of:

(A) The taxpayer's itemized deductions as defined in section 63(d) of the Internal Revenue Code (reduced, if applicable, as described under section 68 of the Internal Revenue Code) minus the deduction for Oregon income tax (reduced, if applicable, by the proportion that the reduction in federal itemized deductions resulting from section 68 of the Internal Revenue Code bears to the amount of federal itemized deductions as defined for purposes of section 68 of the Internal Revenue Code); and

(B) The amount that may be taken into account under section 213(a) of the Internal Revenue Code, not to exceed seven and one-half percent of the federal adjusted gross income of the taxpayer, if the taxpayer has attained the following age before the close of the taxable year, or, in the case of a joint return, if either taxpayer has attained the following age before the close of the taxable year:

(i) For taxable years beginning on or after January 1, 1991, and before January 1, 1993, a taxpayer must attain 58 years of age before the close of the taxable year.

(ii) For taxable years beginning on or after January 1, 1993, and before January 1, 1995, a taxpayer must attain 59 years of age before the close of the taxable year.

(iii) For taxable years beginning on or after January 1, 1995, and before January 1, 1997, a taxpayer must attain 60 years of age before the close of the taxable year.

(iv) For taxable years beginning on or after January 1, 1997, and before January 1, 1999, a taxpayer must attain 61 years of age before the close of the taxable year.

(v) For taxable years beginning on or after January 1, 1999, a taxpayer must attain 62 years of age before the close of the taxable year.

(2)(a) There shall be subtracted from federal taxable income any portion of the distribution of a pension, profit-sharing, stock bonus or other retirement plan, representing that portion of contributions which were taxed by the State of Oregon but not taxed by the Federal Government under laws in effect for tax years beginning prior to January 1, 1969, or for any subsequent year in which the amount that was contributed to the plan under the Internal Revenue Code was greater than the amount allowed under this chapter.

(b) Interest or other earnings on any excess contributions of a pension, profit-sharing, stock bonus or other retirement plan not permitted to be deducted under paragraph (a) of this subsection shall not be added to federal taxable income in the year earned by the plan and shall not be subtracted from federal taxable income in the year received by the taxpayer.

(3)(a) Except as provided in paragraph (b) of this subsection

88



# Measure No. 88

and [subsections (4) and (5)] **subsection (4)** of this section, in addition to the adjustments to federal taxable income required by ORS 316.680, there shall be added to federal taxable income the amount of any federal income taxes in excess of [~~\$3,000~~] **\$5,000**, accrued by the taxpayer during the taxable year as described in ORS 316.685, less the amount of any refund of federal taxes previously accrued for which a tax benefit was received.

(b) In the case of a husband and wife filing separate tax returns, the amount added shall be in the amount of any federal income taxes in excess of [~~\$1,500~~] **\$2,500**, less the amount of any refund of federal taxes previously accrued for which a tax benefit was received.

(c)(A) For a calendar year beginning on or after January 1, 2003, the Department of Revenue shall make a cost of living adjustment to the federal income tax threshold amount described in paragraphs (a) and (b) of this subsection.

(B) The cost of living adjustment for a calendar year is the percentage by which the U.S. City Average Consumer Price Index for the average of the monthly indexes for the second quarter of the calendar year exceeds the average of the monthly indexes of the second quarter of the calendar year 2002.

(C) As used in this paragraph, "U.S. City Average Consumer Price Index" means the U.S. City Average Consumer Price Index for All Urban Consumers (All Items) as published by the Bureau of Labor Statistics of the United States Department of Labor.

(D) If any adjustment determined under subparagraph (B) of this paragraph is not a multiple of \$50, the adjustment shall be rounded to the next lower multiple of \$50.

(E) The adjustment shall apply to all tax years beginning in the calendar year for which the adjustment is made.

[~~(4)(a)~~] *If federal income taxes are paid or determined, due to additional assessments as described in ORS 316.685 (2), on income for a taxable year beginning on or before December 31, 1986, there shall be added to federal taxable income that portion of the federal income tax due to additional assessments which, when added to federal income tax previously paid and deducted for that prior taxable year on the taxpayer's Oregon return, exceeds \$7,000.*

[~~(b)~~] *In the case of a husband and wife filing separate tax returns, the amount to be added to federal taxable income under this subsection shall be that portion of the federal income tax due to additional assessments which, when added to federal income tax previously paid and deducted for that prior year on the taxpayer's Oregon return, exceeds \$3,500.*

[~~(5)(a)~~] **(4)(a)** In addition to the adjustments required by ORS 316.130, a full-year nonresident individual shall add to taxable income a proportion of any accrued federal income taxes as computed under ORS 316.685 in excess of [~~\$3,000~~, or ~~\$7,000~~ if subsection (4)(a) of this section is applicable,] **\$5,000** in the proportion provided in ORS 316.117.

(b) In the case of a husband and wife filing separate tax returns, the amount added under this subsection shall be computed in a manner consistent with the computation of the amount to be added in the case of a husband and wife filing separate returns under subsection (3) [~~or (4)~~] of this section[, *whichever is applicable*]. The method of computation shall be determined by the Department of Revenue by rule.

[~~(6)~~] **(5)** [~~Subsection (3)(b), subsection (4)(b) and subsection (5)(b)~~] **Subsections (3)(b) and (4)(b)** of this section shall not apply to married individuals living apart as defined in section 7703(b) of the Internal Revenue Code.

[~~(7)(a)~~] **(6)(a)** For tax years beginning on or after January 1, 1981, and prior to January 1, 1983, income or loss taken into account in determining federal taxable income by a shareholder of an S corporation pursuant to sections 1373 to 1375 of the Internal Revenue Code shall be adjusted for purposes of determining Oregon taxable income, to the extent that as income or loss of the S corporation, they were required to be adjusted under the provisions of ORS chapter 317.

(b) For tax years beginning on or after January 1, 1983, items of income, loss or deduction taken into account in determining

federal taxable income by a shareholder of an S corporation pursuant to sections 1366 to 1368 of the Internal Revenue Code shall be adjusted for purposes of determining Oregon taxable income, to the extent that as items of income, loss or deduction of the shareholder the items are required to be adjusted under the provisions of this chapter.

(c) The tax years referred to in paragraphs (a) and (b) of this subsection are those of the S corporation.

(d) As used in paragraph (a) of this subsection, an S corporation refers to an electing small business corporation.

[~~(8)(a)~~] **(7)(a)** The taxpayer shall be entitled to an additional amount, as referred to in subsection (1)(c)(A) and (C) of this section, of \$1,000:

(A) For himself or herself if he or she has attained age 65 before the close of his or her taxable year; and

(B) For the spouse of the taxpayer if the spouse has attained age 65 before the close of the taxable year and an additional exemption is allowable to the taxpayer for such spouse for federal income tax purposes under section 151(b) of the Internal Revenue Code.

(b) The taxpayer shall be entitled to an additional amount, as referred to in subsection (1)(c)(A) and (C) of this section, of \$1,000:

(A) For himself or herself if he or she is blind at the close of the taxable year; and

(B) For the spouse of the taxpayer if the spouse is blind as of the close of the taxable year and an additional exemption is allowable to the taxpayer for such spouse for federal income tax purposes under section 151(b) of the Internal Revenue Code. For purposes of this subparagraph, if the spouse dies during the taxable year, the determination of whether such spouse is blind shall be made immediately prior to death.

(c) In the case of an individual who is not married and is not a surviving spouse, paragraphs (a) and (b) of this subsection shall be applied by substituting "\$1,200" for "\$1,000."

(d) For purposes of this subsection, an individual is blind only if his or her central visual acuity does not exceed 20/200 in the better eye with correcting lenses, or if his or her visual acuity is greater than 20/200 but is accompanied by a limitation in the fields of vision such that the widest diameter of the visual field subtends an angle no greater than 20 degrees.

[~~(9)~~] **(8)** In the case of an individual with respect to whom a deduction under section 151 of the Internal Revenue Code is allowable for federal income tax purposes to another taxpayer for a taxable year beginning in the calendar year in which the individual's taxable year begins, the basic standard deduction (referred to in subsection (1)(c)(B) of this section) applicable to such individual for such individual's taxable year shall equal the lesser of:

(a) The amount allowed to the individual under section 63(c)(5) of the Internal Revenue Code for federal income tax purposes for the tax year for which the deduction is being claimed; or

(b) The amount determined under subsection (1)(c)(B) of this section.

**SECTION 2.** ORS 316.687 is amended to read:

316.687. There shall be added to federal taxable income of a parent who makes an election under section 1(g)(7)(B) of the Internal Revenue Code any amount in excess of the standard deduction allowed for a child under ORS 316.695 [~~(9)~~] **(8)** but not in excess of the amount described in section 1(g)(7)(B)(i) of the Internal Revenue Code (twice the amount in effect for the taxable year under section 63(c)(5)(A) of the Internal Revenue Code). The addition under this section shall be made for each child whose income is included in the taxable income of the parent under section 1(g)(7)(B) of the Internal Revenue Code.

**SECTION 3.** The amendments to ORS 316.687 and 316.695 by sections 1 and 2 of this 1999 Act apply to tax years beginning on or after January 1, 2002.

**SECTION 4.** This 1999 Act shall be submitted to the people for their approval or rejection at the next regular general election held throughout this state.

NOTE: **Boldfaced** type indicates new language; [*brackets and italic*] type indicates deletions or comments.

# Measure No. 88

## EXPLANATORY STATEMENT

Ballot Measure 88 amends Oregon state statutes to increase from \$3,000 to \$5,000 the maximum amount that may be deducted on Oregon personal income tax returns for federal income taxes paid.

Under current law, personal income taxpayers may deduct their federal income tax liability for a tax year from their Oregon taxable income for that year, up to a maximum amount of \$3,000. If a personal income taxpayer has a federal tax liability of more than \$3,000, the amount of federal taxes in excess of \$3,000 is not deductible for Oregon tax purposes.

Ballot Measure 88 increases to \$5,000 the maximum amount of federal income taxes that a personal income taxpayer may deduct from Oregon taxable income. Under Ballot Measure 88, only a taxpayer's federal taxes that are greater than \$5,000 would remain nondeductible for Oregon tax purposes.

For married individuals who file separate tax returns, current law contains a special rule that limits to \$1,500 the maximum amount of federal taxes that each spouse may deduct from Oregon taxable income. Ballot Measure 88 would continue the special rule for married individuals who file separate returns, but would increase to \$2,500 the maximum amount of federal taxes that each spouse could deduct from Oregon taxable income.

Under Ballot Measure 88, the maximum amount of federal taxes that could be deducted from Oregon taxable income would be adjusted up or down each year by a cost of living factor that is based on the Consumer Price Index. Under current law, the \$3,000 maximum deduction for federal income taxes (or \$1,500 maximum deduction in the case of married individuals filing separate returns) is not subject to cost of living adjustments.

Ballot Measure 88 would apply to income tax years beginning on or after January 1, 2002. Cost of living adjustments would be made annually, starting in 2003. The Legislative Revenue Office estimates that this measure would reduce revenue to the general fund by \$168 million in the 2001-03 biennium and \$259 million in the 2003-05 biennium.

**Committee Members:**

Senator Eileen Qutub  
 Representative Ken Strobeck  
 Senator Verne Duncan  
 Representative Jeff Merkley  
 Fred Miller

**Appointed By:**

President of the Senate  
 Speaker of the House  
 Secretary of State  
 Secretary of State  
 Members of the Committee

*(This committee was appointed to provide an impartial explanation of the ballot measure pursuant to ORS 251.215.)*

88

# Measure No. 88 Arguments

## LEGISLATIVE ARGUMENT IN SUPPORT

A "yes" vote on Measure 88 increases the maximum Oregon personal income tax deduction for federal income taxes paid from \$3,000 to \$5,000.

This measure will reduce the amount of state income tax individuals pay - without harming schools, public safety or other essential state government services.

The amount of personal income tax that Oregonians pay is among the highest in the nation - usually in the top three, along with New York and Washington D.C.

Measure 88 will reduce the tax burden of Oregonians by an estimated \$47 million in its first year and by approximately \$120 million per year thereafter. This will have the effect of lowering taxes and reducing the overall size of government, but still permitting essential state-supported services to be adequately funded.

Current Oregon law permits taxpayers to deduct their federal income taxes when calculating their state income taxes. The current limit for this deduction is \$3,000 - the same level it has been since 1987.

Measure 88 will cut the amount of income tax most Oregonians pay by allowing a larger subtraction of federal personal income taxes from Oregon income - raising the maximum deduction amount from \$3,000 to \$5,000. In addition, the \$5,000 amount will be adjusted up or down by a cost-of-living factor based on the Consumer Price Index. Under current law, the deduction amount is not adjusted for inflation.

Measure 88 will also allow married individuals who file separate returns an increase from \$1,500 to \$2,500 as the highest amount of federal taxes that each spouse can deduct from Oregon taxable income.

Measure 88 is a reasonable, responsible tax reduction measure which will benefit Oregon taxpayers. Coupled with the fact that Oregon has **no sales tax**, and recent ballot measures and legislative actions have **reduced property taxes**, this measure further reduces the tax burden of Oregonians by effectively **cutting the state income tax**.

**Committee Members:**

Senator Eileen Outub  
 Representative Leslie Lewis  
 Representative Ken Strobeck

**Appointed By:**

President of the Senate  
 Speaker of the House  
 Speaker of the House

*(This Joint Legislative Committee was appointed to provide the legislative argument in support of the ballot measure pursuant to ORS 251.245.)*

## ARGUMENT IN FAVOR

**Associated Oregon Industries,  
 representing 19,000 businesses, urges a  
 YES VOTE ON MEASURE 88.**

Did you know that Oregon law requires you to pay a tax on a tax? That's right.

And while Measure 88 does not completely eliminate this ridiculous situation, it does move in the right direction by reducing some of the tax burden. And it does so in a fiscally responsible manner.

As Oregon's largest and oldest business Association it has long been our aim to promote tax policies that provide necessary public services and at the same time make all Oregonians more prosperous.

Measure 88 will do just that.

By reducing this double taxation:

- Oregonians can save and invest more of what they earn.
- More dollars will be available to entrepreneurs who regenerate the economy and improve job growth and wealth formation.
- Necessary public services such as K-12, higher education and the Oregon Health Plan are protected from severe cuts.

Tax policies need to be moderate and sensible.

It is sensible that Oregonians ought not to pay a tax on a tax. It is moderate to change such a law in a manner that is fiscally responsible.

**Measure 88 meets those requirements. Vote YES on Measure 88.**

*(This information furnished by Richard M. Butrick, Associated Oregon Industries.)*

*(This space purchased for \$500 in accordance with ORS 251.255.)*

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# Measure No. 88 Arguments

## ARGUMENT IN OPPOSITION

### THE OREGON PTA ASKS YOU TO VOTE NO ON MEASURE 88.

Measure 88 is a bad deal for Oregon. It won't benefit most taxpayers at all. But it WILL cost our children dearly.

In a state where our legislature has to struggle every session to find enough money in the budget to adequately fund education, health care, public safety, roads, and services for children and the elderly, it is irresponsible to talk about drastically cutting revenue for the state.

This measure would cost \$167 million in the next two years and \$260 million in the two years after that. To illustrate, \$260 million dollars is over three times the 1999-2000 formula revenue budget for the North Clackamas School District, over 3.5 times the budgets for the Bend/La Pine and Medford School Districts, and over 17 times the budget for the North Bend School District.

It is inconceivable to even think about such an enormous loss of funds. A loss that will make it even harder for our school districts to reduce class size, or focus on teacher training. A loss that would mean even fewer children will receive health care benefits, and fewer struggling families will receive critical help.

As with other proposed "tax cuts" it is the wealthy who benefit. Sixty percent of Oregon taxpayers will not get any tax cut at all. A family of four with an income of \$45,000 will get nothing. The same family with an income of \$47,000 would get \$2 a month.

### OUR CHILDREN SIMPLY CAN'T AFFORD THIS MEASURE.

### VOTE NO ON MEASURE 88

*(This information furnished by Kathryn Firestone, President, Lisa Laursen Thirkill, VP for Legislation; The Oregon PTA (Oregon Congress of Parents and Teachers).)*

*(This space purchased for \$500 in accordance with ORS 251.255.)*

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## ARGUMENT IN OPPOSITION

### GOVERNOR JOHN KITZHABER URGES A "NO" VOTE ON MEASURE 88 MOST OREGONIANS GET NO TAX BENEFIT AT ALL

Dear Fellow Oregonians:

Measure 88 would give no help to 60% of Oregon taxpayers. But it would hurt all Oregonians.

Measure 88 would not give a tax cut to most taxpayers. For instance, a family of four making \$40,000 would get nothing at all. It would give only a minimal benefit to many other middle-class families; a family of four making \$47,000 would receive \$2 a month.

But Measure 88 would reduce resources available for State General Fund services – by over \$150 million in 2001-2003, and by over \$250 million in the next budget cycle.

The vast majority of the State's General Fund dollars go to just a few programs. Education – including K-12 public schools, community colleges, and state universities. The Oregon Health Plan. The State prison system. Services to seniors and the disabled. Those are the services that would suffer if this measure passes. Measure 88 would make it impossible to avoid real cuts in services Oregonians care about.

### Please join me in voting "No" on Measure 88.

*(This information furnished by John A. Kitzhaber, M.D.)*

*(This space purchased for \$500 in accordance with ORS 251.255.)*

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# Measure No. 88 Arguments

## ARGUMENT IN OPPOSITION

### Oregon Seniors Oppose Measure 88

Measure 88 is a particularly raw deal for Oregon seniors. Most seniors would see no tax relief. But, more importantly, the measure would hurt services that many seniors and people with disabilities depend on.

Measure 88 gives no benefit to most taxpayers – and gives 57% of the benefits to the highest-income 20%. There aren't that many seniors in that top 20%.

But Measure 88 would cut over \$167 million in State resources in the first two years, and \$260 million in the two years after that -- reducing the State's ability to pay for services seniors depend on.

### Measure 88 threatens funding for:

- Community care options such as in-home care, adult foster homes, and assisted living facilities.
- Senior centers.
- Senior and disability transportation.
- Meals on Wheels.
- The Oregon Health Plan.

**Please join the Oregon State Council of Senior Citizens, United Seniors of Oregon and the Portland Gray Panthers in opposing Measure 88.**

*(This information furnished by Jim Davis, Oregon State Council of Senior Citizens; United Seniors of Oregon; Portland Gray Panthers.)*

*(This space purchased for \$500 in accordance with ORS 251.255.)*

The printing of this argument does not constitute an endorsement by the State of Oregon, nor does the state warrant the accuracy or truth of any statement made in the argument.

## ARGUMENT IN OPPOSITION

### The Working Men and Women of Organized Labor Oppose Measure 88

The Legislature's Measure 88 gives no tax relief at all, or very little, to Oregon's working families. But it will hurt the quality of services that working families rely on – from education to public safety to services for seniors and people with disabilities.

If Measure 88 passes, a family of four making \$45,000 or less will get nothing. A family making \$50,000 might get a few dollars a month.

But the measure will cost hundreds of millions of dollars – dollars that will come out of a wide variety of public services.

Public schools; the Oregon Health Plan; state universities; community colleges; community-based care for the elderly; child abuse prevention services and foster care; economic development for rural communities; the State prisons; the State Police; the Department of Forestry ... those are the services that rely on Oregon state funds. The harm to many far outweighs the benefit to a few.

It's not worth it. **Please join the working men and women of organized labor in voting "NO" on Measure 88.**

This voters statement brought to you by the American Federation of Teachers - Oregon  
Oregon AFL-CIO  
Oregon State Council of Service Employees International Union  
Oregon Public Employees Union, SEIU Local 503  
Oregon School Employees Association  
Pacific Northwest Regional Council of Carpenters

*(This information furnished by Richard H. Schwarz, AFT-Oregon; Terry Cavanagh, Oregon Public Employees Union, SEIU, Local 503; Arthur Towers, Oregon State Council, Service Employees Int'l Union; Edward John Glad, Pacific Northwest Reg'l Council of Carpenters; Ed Edwards, Oregon School Employees Assoc.)*

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# Measure No. 88 Arguments

## ARGUMENT IN OPPOSITION

### Ecumenical Ministries of Oregon Opposes Measure 88

Ecumenical Ministries of Oregon recommends a NO vote on Measure 88. It will benefit only those who least need the benefit, while it hurts those among us who are most at risk.

Measure 88 lowers the effective tax rate for wealthier Oregonians while at the same time providing no material tax relief to low- and moderate- income Oregonians. Meanwhile Oregon ranks second in the nation for widening the gulf over the last decade between the top 20% of earners and the bottom 20% of earners in the state.

EMO has consistently called for a restructuring of Oregon's tax system to meet the criteria of adequacy, ability to pay, fairness, efficiency, competitiveness, flexibility, and consumer responsibility. This measure meets none of those standards and is irresponsible.

Please vote "No" on Measure 88.

Note: The Roman Catholic Archdiocese of Portland and the Greek Orthodox Church abstained from EMO's deliberations regarding the November ballot measures. The Roman Catholic Archdiocese releases all public policy statements for the Archdiocese through the Oregon Catholic Conference.

*(This information furnished by Enid Edwards, Ecumenical Ministries of Oregon.)*

*(This space purchased for \$500 in accordance with ORS 251.255.)*

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## ARGUMENT IN OPPOSITION

### Reject Measure 88: It's All Pain, No Gain!

#### Measure 88 costs too much.

Measure 88 will cost the state of Oregon \$260 million every two years in lost programs. That's more than double what the state spends on state parks, nearly 30 times what we spend on children's health insurance programs, and more than the state spends on child abuse prevention and related services like foster care.

#### Measure 88 doesn't help many Oregonians.

60% of Oregonians will receive absolutely no tax savings from Measure 88. That's right...**nothing**. Even upper income and wealthy taxpayers, the folks this measure is designed to benefit, receive a relatively small tax cut. The most anyone will see his or her tax bill reduced is \$15 a month. That's the maximum benefit anyone will receive from Measure 88.

#### Measure 88 increases Oregonians' federal taxes.

To make matters worse, those Oregon taxpayers whose state tax bill is reduced as a result of Measure 88 will then have lower Oregon tax payments to deduct from their Federal income taxes. The net result: Oregonians who receive this tax break will owe more in Federal taxes. This foolish measure would slash our State's budget while fattening Federal coffers.

#### Measure 88 is a bad idea.

Measure 88 will cut state programs that help children and families. It will provide the majority of Oregonians with absolutely no tax relief. Even the upper income Oregonians who benefit from this cut will get only \$15 a month. Worse, much of the "tax cut" is no cut at all...it just foolishly redirects our state tax money to the Federal Government.

#### Vote No on Measure 88!

Peggy Timm, Baker County

Commissioner Mike McArthur, Sherman County

David Fuks, Multnomah County

Commissioner Gina Furman, Tillamook County

Normie Wright, Jackson County

Audrey Jacobs, Malheur County

Chuck Clemans, Clackamas County

**Because We Care About Oregon PAC  
Beverly Stein, Chair**

*(This information furnished by Beverly Stein, Because We Care About Oregon PAC.)*

*(This space purchased for \$500 in accordance with ORS 251.255.)*

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# Measure No. 88 Arguments

## ARGUMENT IN OPPOSITION

### The Oregon AFL-CIO Opposes Measure 88: The Harm To Many Far Outweighs The Benefit To A Few

The Legislature's Measure 88 gives no tax relief at all, or very little, to Oregon's working families. But it will hurt the quality of services that working families rely on – from education to public safety to services for seniors and people with disabilities.

If Measure 88 passes, a family of four making \$45,000 or less will get nothing. A family making \$50,000 might get a few dollars a month.

But the measure will cost hundreds of millions of dollars – dollars that will have to be cut from the funding that supports a wide variety of public services:

- Public schools
- The Oregon Health Plan
- State universities
- Community colleges
- Community-based care for the elderly
- Child abuse prevention services and foster care
- Economic development for rural communities
- State prisons
- The State Police
- The Department of Forestry

The harm to many far outweighs the benefit to a few.

It's not worth it. Please join the working men and women of the Oregon AFL-CIO in voting "NO" on Measure 88.

Tim Nesbitt, President  
Brad Witt, Secretary-Treasurer  
Oregon AFL-CIO

*(This information furnished by Tim Nesbitt, Oregon AFL-CIO Committee on Political Education.)*

*(This space purchased for \$500 in accordance with ORS 251.255.)*

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## ARGUMENT IN OPPOSITION

Two wrongs don't make a right.

When Oregon legislators felt backed into a corner by Bill Sizemore's impending federal tax deductibility measure (now Measure 91), they referred to the ballot their own somewhat watered-down version of the same idea. They sought to wash their hands of Measure 91 by offering this alternative, Measure 88. It may be "Sizemore Lite," as it's become known, but it's still a bad idea.

Unfortunately, not much changes between Measures 88 and 91. Capping federal deductibility at \$5,000 rather than \$3,000 still causes many of the same problems as Measure 91. A cut this large necessarily impacts the state General Fund. You cannot "belt tighten" \$200 million — it's a drastic cut.

Most importantly, such cuts can only be accomplished through the General Fund's largest programs:

- **K-12 Education** — Oregon's schools take up 42 percent of the General Fund. Very few Oregonians believe that education funding is too high, but Measure 88 will force substantial cuts in current funding levels. There's simply no way around it.
- **Higher Education** — Oregon's colleges and universities account for another 16 percent of the General Fund. Enrollment has leveled in recent years due to high tuition costs, so raising rates is not an answer.
- **Human Services** — Programs aimed at public health, senior citizens, the poor and the mentally retarded/developmentally disabled are in place to help the neediest Oregonians. Measure 88 would take money from the neediest in order to benefit those Oregonians who are already better-off.
- **Public Safety** — The budgets for the Oregon State Police, the Department of Corrections and other public safety agencies accounts for 15 percent of the General Fund. This one is simple: Do you want less money spent on public safety?

Oregon cannot afford these kinds of cutbacks. Join me and Vote NO! on Measure 88 (and Measure 91).

Gordon O'Brien, Salem  
AFSCME Local 896 (State Police Forensics)

*(This information furnished by Don Loving, Oregon AFSCME Council 75.)*

*(This space purchased for \$500 in accordance with ORS 251.255.)*

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# Measure No. 88 Arguments

## ARGUMENT IN OPPOSITION

### OREGON EDUCATORS ASK YOU TO CONSIDER THE FOLLOWING POINTS REGARDING MEASURE 88:

- Measure 88 reduces funding for Oregon's public schools at a time when our children are facing some of the most overcrowded classrooms in the nation.
- Measure 88 cuts resources to school children at a time when the legislature spends less for student achievement than schools received a decade ago.
- Measure 88 exacerbates the public school funding shortage at a time when Oregonians are experiencing unprecedented prosperity.
- Measure 88 cuts state funding by shrinking resources even though most voters think public schools and other vital services aren't funded adequately as it is.

### WHAT'S WRONG WITH THIS PICTURE?

Written by the Oregon Legislature, Measure 88 reduces General Fund revenues by \$168 million the first year it takes effect. Because Oregon's public schools are the single largest responsibility of state government, passage of this measure would likely result in devastating cuts to school districts across Oregon.

### THAT'S UNFAIR TO STUDENTS. IT'S UNNECESSARY. IT WILL HURT OREGON'S RECORD OF EDUCATIONAL EXCELLENCE BY CUTTING STAFF AND SWELLING CLASS SIZES EVEN MORE.

Oregon's Constitution directs the Legislature to fund its public schools. Citizens expect them to be funded adequately, to prepare students to compete successfully in the 21st century economy. Oregon students have already suffered a decade of disinvestment in public schools. This has resulted in large class sizes, outdated textbooks, shortages of materials, deteriorating facilities, and program cutbacks. Measure 88 only exacerbates the problem. Don't shortchange Oregon's kids!

### VOTE "NO" ON BALLOT MEASURE 88 – IT'S A CUT SCHOOLS CAN'T AFFORD.

*(This information furnished by James Sager, Oregon Education Association.)*

*(This space purchased for \$500 in accordance with ORS 251.255.)*

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# Measure No. 89

House Bill 2007—Referred to the Electorate of Oregon by the 1999 Legislature to be voted on at the General Election, November 7, 2000.

## BALLOT TITLE

### **89** DEDICATES TOBACCO SETTLEMENT PROCEEDS TO SPECIFIED HEALTH, HOUSING, TRANSPORTATION PROGRAMS

**RESULT OF "YES" VOTE:** "Yes" vote creates fund from tobacco settlement proceeds dedicated to specified health, housing, transportation programs.

**RESULT OF "NO" VOTE:** "No" vote rejects creating fund from tobacco settlement dedicated to specified health, housing, transportation programs.

**SUMMARY:** Measure creates fund using Oregon's share of tobacco litigation settlement. Requires annual distribution, in specified amounts, of fund's investment earnings only to specified programs, including elderly and disabled transportation fund; low income, disabled housing programs; tobacco use prevention programs; Oregon Health Sciences University's medical researcher recruitment; nonprofit organizations providing women's shelter care; county public and mental health programs. Legislature may appropriate principal to programs only with 2/3 vote and specified negative economic conditions, to federal government only when required by court order or settlement agreement.

**ESTIMATE OF FINANCIAL IMPACT:** The state estimates that it will receive \$339 million under the Tobacco Master Settlement Agreement by June 30, 2003. The measure allocates an estimated \$8.8 million for specified health, housing and transportation programs during state fiscal year 2001 (July 1, 2000 - June 30, 2001). Estimated revenue for state fiscal years 2002 and 2003 are \$11.2 and \$16.4 million respectively. Of these amounts, local governments would receive an estimated \$5.3 million in 2001, \$6.7 million in 2002 and \$9.9 million in 2003.

There is no financial effect on local government expenditures.

## TEXT OF MEASURE

### AN ACT

Relating to the Health Security Fund; appropriating money; and providing that this 1999 Act shall be referred to the people for their approval or rejection.

Be It Enacted by the People of the State of Oregon:

**SECTION 1.** (1) As used in this section, "health programs" means programs for transportation of the elderly and disabled, programs for housing for persons with disabilities and for low and very low income families and individuals and any other programs established or defined by law as programs eligible for financing with moneys from the Health Security Fund established under this section.

(2) The Health Security Fund is established in the State Treasury, separate and distinct from the General Fund. All earnings on moneys in the fund shall be appropriated continuously and expended only for the purpose of financing health programs.

(3) The Health Security Fund shall consist of all moneys paid to this state by United States tobacco products manufacturers under the Master Settlement Agreement of 1998.

(4) Moneys in the fund shall be invested as provided in

ORS 293.701 to 293.790 and the earnings from such investments shall be credited to the Health Security Fund.

(5) Earnings on moneys in the Health Security Fund shall be distributed annually.

**SECTION 2.** The programs listed in this section are health programs eligible for financing with moneys in the Health Security Fund, and earnings on moneys in the Health Security Fund shall be expended on the programs in the following amounts:

(1) Forty percent of the earnings, but not more than \$7 million in each fiscal year, to counties for public health programs and services and mental health programs and services as provided in section 4 of this 1999 Act.

(2) Twenty percent of the earnings, but not more than \$5 million in each fiscal year, to the Elderly and Disabled Special Transportation Fund for expenditure as other moneys in the Elderly and Disabled Special Transportation Fund are expended.

(3) Twenty percent of the earnings, but not more than \$5 million in each fiscal year, to the Housing and Community Services Department for programs that provide housing for persons with disabilities or for low and very low income families and individuals.

(4) Ten percent of the earnings to fund tobacco use prevention, education and cessation programs administered by the Health Division.

(5) Seven percent of the earnings, but not more than \$10 million, to Oregon Health Sciences University as provided in sections 6 and 7 of this 1999 Act.

(6) Three percent of the earnings, but not more than \$1.5 million in each fiscal year, to the Department of Human Resources to fund the department's shelter care grant program as provided in section 8 of this 1999 Act.

**SECTION 3.** (1) Notwithstanding section 1 (2) of this 1999 Act, the Legislative Assembly, upon approval by two-thirds of the members elected to each house of the Legislative Assembly, may appropriate moneys from the Health Security Fund principal when the following economic conditions present or predicted in this state indicate the presence or likelihood of an economic recession:

(a) The seasonally adjusted rate of nonfarm payroll employment declines for two or more consecutive quarters; and

(b) A quarterly economic and revenue forecast projects a negative ending balance that is greater than one percent of General Fund appropriations for the biennium for which the forecast is being made.

(2) Notwithstanding section 1 (2) of this 1999 Act, the Legislative Assembly may also appropriate moneys from the Health Security Fund principal when any judicial order or decree or any settlement agreement to which this state is a party requires the State of Oregon to pay any portion of the fund principal to the federal government.

(3) Appropriations made under subsection (1) or (2) of this section must be for the purpose of financing those health programs established or defined by law as programs eligible for such financing.

(4) The Legislative Assembly may by law prescribe the procedures to be used and identify the persons required to make the forecasts and projections described in subsection (1)(b) of this section.

(5) The Legislative Assembly may not use moneys in the Health Security Fund for a purpose other than financing health programs or under conditions other than those described in subsection (1) of this section unless the electors of this state approve a measure referred to the electors by the Legislative Assembly that authorizes the use of moneys in the Health Security Fund without regard to economic conditions or for a purpose specified in the measure. When the electors of this state approve the use of moneys in the fund for a purpose other than financing health programs, moneys may be appropriated from the Health Security Fund under this subsection only for the purpose approved by the electors.

# Measure No. 89

**SECTION 4.** (1) The following health programs are eligible to receive financial assistance from the Health Security Fund established under section 1 of this 1999 Act:

(a) Public health programs and services required under ORS 431.416; and

(b) Mental health programs and services required under ORS 430.630.

(2) In each fiscal year, the counties in this state shall receive not more than \$7 million in financial assistance from the Health Security Fund for the programs described in subsection (1) of this section. If in any fiscal year there are insufficient moneys available for the distribution to counties of the amount specified in this subsection, earnings from the Health Security Fund shall be reduced proportionately among all counties eligible to receive earnings from the fund.

(3) Each county shall receive a share of the moneys distributed to counties under subsection (2) of this section in such proportion as the population of the county bears to the total population of all the counties in this state. However, when the full amount specified in subsection (2) of this section is distributed to counties, a county shall not receive less than \$50,000 in the fiscal year. Allocation plans and policies adopted by the Department of Human Resources under subsection (4) of this section may establish other criteria for distribution of moneys under this subsection.

(4) The Department of Human Resources shall develop allocation plans and policies to be followed by counties when spending moneys received under this section. The allocation plans and policies shall require a county to allocate the moneys received under this section equally between public health programs and services and mental health programs and services. However, the plans and policies may allow a county governing body to change the allocation ratio to meet local conditions and needs. The department may also establish reporting requirements for counties relating to the use of moneys received under this section.

**SECTION 5.** Section 6 of this 1999 Act is added to and made a part of ORS chapter 353.

**SECTION 6.** (1) The Oregon Health Sciences University Board of Directors shall enter into an agreement with a community foundation, as defined in ORS 348.580, in Oregon to create an Oregon Health Sciences University Medical Research Partnership. The partnership may be used to recruit and retain faculty who are national quality investigators who conduct bench-to-bedside research in emerging clinical areas such as cancer, gene therapy, vaccine development, women's health issues and cardiovascular disorders.

(2) The board shall transfer moneys appropriated to, allocated to, transferred to or otherwise received by the university for the purposes of the partnership to the community foundation to be placed in the partnership.

(3) Any agreement entered into between the board and a community foundation under this section shall include a requirement that the partnership be invested by the community foundation and that moneys in the partnership be distributed to the Oregon Health Sciences Foundation as follows:

(a) For each \$2 million of private matching funds raised by the Oregon Health Sciences Foundation, the community foundation shall release \$1 million from the partnership to the Oregon Health Sciences Foundation for the purpose of recruiting and retaining intellectual capital at the university, if such funds are available.

(b) For each \$3 million increment raised and released under paragraph (a) of this subsection, the Oregon Health Sciences Foundation may use no more than \$1 million for recruitment, relocation and capital expenses for each faculty recruitment and a minimum of \$2 million to establish an income-producing endowment to support the faculty position.

(4) In addition to the requirements of subsection (3) of this section, the agreement shall include a requirement that the community foundation, in partnership with the university,

submit an annual report to the Legislative Assembly or the appropriate interim legislative committees about the key faculty recruitments that have been funded through the Oregon Health Sciences University Medical Research Partnership and the resulting return to Oregon's economy and quality of life.

**SECTION 7.** In each fiscal year, there is transferred to the Oregon Health Sciences University public corporation seven percent of all earnings on moneys in the Health Security Fund until \$10 million has been transferred. The moneys transferred under this section may be expended for the Oregon Health Sciences University Medical Research Partnership created under section 6 of this 1999 Act.

**SECTION 8.** (1) In each fiscal year, the Department of Human Resources shall receive not more than \$1.5 million from the Health Security Fund to finance a grant program under which the department awards grants to nonprofit organizations that provide shelter care or temporary supervised housing accommodations for pregnant women, mothers of newborn children and their newborn children or women who are victims of domestic violence.

(2) To be eligible for a grant, a nonprofit organization must have been organized and operating shelter care programs or facilities prior to January 1, 1999. A nonprofit organization may use grant moneys from the Health Security Fund only for maintenance and expansion of existing program activities and may not use grant moneys for the establishment of new facilities or programs. However, a nonprofit organization may use grant moneys to change the location of existing facilities.

(3) A grant made to any single nonprofit organization may not exceed 25 percent of the organization's income in the fiscal year immediately preceding the fiscal year in which the grant is received.

(4) In any fiscal year, a nonprofit organization may receive a \$25,000 grant for each shelter or housing facility operated by the organization, but may not receive more than \$75,000 in any fiscal year.

(5) Not less than 25 percent of the total amount of grants awarded by the Department of Human Resources in a fiscal year shall be awarded to nonprofit organizations that in the fiscal year immediately preceding the fiscal year in which the grant is awarded received more than 50 percent of operating revenues from sources other than federal, state or local government agencies.

**SECTION 9.** When the earnings on moneys in the Health Security Fund in any fiscal year exceed the amount necessary for distribution of the maximum amounts to health programs as provided in section 2 of this 1999 Act, the Legislative Assembly may provide for the distribution of the excess earnings in amounts greater than those specified in section 2 of this 1999 Act or to health programs other than those specified in section 2 of this 1999 Act.

**SECTION 10.** The first distribution of moneys from the Health Security Fund shall be made not later than one year after the effective date of this 1999 Act.

**SECTION 11.** This 1999 Act shall be submitted to the people for their approval or rejection at the next regular general election held throughout this state.

# Measure No. 89

## EXPLANATORY STATEMENT

Ballot Measure 89 enacts a law that establishes the Health Security Fund. All moneys paid to Oregon by the United States tobacco products manufacturers under the Master Settlement Agreement of 1998 will be deposited into the fund. Except as authorized by the voters, all expenditures and appropriations from the fund earnings are limited to financing health programs. Currently, expenditure of the interest earnings and principal of the fund is unrestricted. For purposes of this measure, "health programs" includes transportation of the elderly and disabled, housing for disabled persons and low income families and other programs established or defined by law as being eligible for financing from the fund.

Ballot Measure 89 requires that the moneys in the Health Security Fund be invested according to statutory guidelines. Commencing in 2001, earnings from the fund must be made available for annual distribution as follows:

- (1) 40 percent, up to \$7 million, to counties for public health programs and services and for mental health programs and services.
- (2) 20 percent, up to \$5 million, to the Elderly and Disabled Special Transportation Fund.
- (3) 20 percent, up to \$5 million, to the Housing and Community Services Department for housing for the disabled and for low and very low income families and individuals.
- (4) 10 percent for tobacco use prevention, education and cessation programs administered by the Health Division.
- (5) 3 percent, up to \$1.5 million, to the Department of Human Services for shelter care grant programs.

In addition, an annual payment of 7 percent, up to a maximum of \$10 million over the life of the fund, is available to the Oregon Health Sciences University for the Oregon Health Sciences University Medical Research Partnership.

If the fund earnings exceed the maximum dollar amounts specified, the measure authorizes the Legislative Assembly to expend the additional amounts for the specified programs or for other health programs.

Ballot Measure 89 specifies economic conditions that must be present for expenditure of the principal of the fund to be authorized by the Legislative Assembly. It also authorizes payments to the Federal Government from the principal under court order. All such expenditures from principal must be for health care programs.

The measure also authorizes voters voting on a measure referred by the legislature to expend the fund for purposes other than specified in Ballot Measure 89 or without regard to economic conditions but only for a purpose approved by the voters.

Ballot Measure 89 specifies the methods by which programs become eligible for funding and the methods of fund distribution.

Oregon election law provides that when two ballot measures conflict, as Measure 89 and Measure 4 do, the measure receiving the highest number of yes votes will prevail.

**Committee Members:**

Senator Ted Ferrioli  
 Representative Bruce Starr  
 Representative Richard Devlin  
 Senator Joan Dukes  
 Kathleen Beaufait

**Appointed By:**

President of the Senate  
 Speaker of the House  
 Secretary of State  
 Secretary of State  
 Members of the Committee

*(This committee was appointed to provide an impartial explanation of the ballot measure pursuant to ORS 251.215.)*

69

# Measure No. 89 Arguments

## LEGISLATIVE ARGUMENT IN SUPPORT

Oregon will receive roughly 2.2 billion dollars over the next 25 years as the result of a legal settlement with the United States tobacco companies. Measure 89 guarantees that those funds will not be simply absorbed into ongoing government programs, but will instead be dedicated to providing financial resources to specific programs which improve health care and assist the elderly and disabled members of our communities. This is done through the Health Security Fund, established by Measure 89.

Measure 89 requires that the Health Security Fund can be used only for health-related programs, unless approved by voters. The measure prevents the legislature from expending any principal of the fund unless there is a two-thirds majority vote of each house of the legislature. Measure 89 also establishes a balanced process for distribution of any earnings generated by this fund.

A yes vote on Measure 89 ensures that tobacco settlement funds are distributed among appropriate programs, including county public and mental health programs, housing for the disabled and persons with low income, transportation for the elderly and disabled, tobacco use prevention programs, and shelter for women who are pregnant, with young children, or suffering abuse.

Measure 89 represents a positive and productive way to use the proceeds of the tobacco settlement.

Measure 89 represents sound financial planning and a commitment to positive action to help those Oregonians who are most in need - without taking any money from taxpayers' pockets. Measure 89 will reduce the burden on taxpayers by providing a sure source of funding for these important programs, thereby reducing the pressure to impose taxes to pay for these programs.

Measure 89 is a win for taxpayers and a win for Oregonians who are most in need. Please Vote Yes on this important measure.

**Committee Members:**

Senator Ted Ferrioli  
 Representative Kevin L. Mannix  
 Representative Bruce Starr

**Appointed By:**

President of the Senate  
 Speaker of the House  
 Speaker of the House

*(This Joint Legislative Committee was appointed to provide the legislative argument in support of the ballot measure pursuant to ORS 251.245.)*

## ARGUMENT IN FAVOR

**Ballot Measure 89, An Argument in Support Of**

Healthy communities are communities in which residents and visitors are assured

- Safe drinking water, food, and air
- No infectious diseases such as tuberculosis and meningitis in schools and daycare centers
- Influenza and pneumonia vaccines are available to seniors
- Families and individuals in crisis can receive mental health services
- Senior citizens can remain independent and self-sufficient with transportation available for doctor appointments and grocery shopping
- Safe, affordable housing is available for the disabled and very low income
- Activities to prevent cancer and chronic diseases are underway

**Ballot Measure 89 provides funding forever for healthy communities.**

Passage will guarantee that interest from the tobacco settlement (Health Security Trust Fund) will provide (1) local public health and mental health services; (2) elderly and disabled transportation; (3) housing for the disabled and low/very low income; (4) tobacco prevention activities; (5) shelter care. With payments coming from the interest - not the principal - you, the voter, are making a long-term investment in the health of your communities..

**Public Health doctors, nurses, health educators, and sanitarians support activities for healthy communities. Support Ballot Measure 89.**

Submitted by  
 DaNES (Doctors and Nurses, Educators, Sanitarians) for Healthy Communities  
 Linda K. Fleming, Treasurer  
 108 W. First St.  
 Fossil, Oregon 97830

*(This information furnished by Linda K. Fleming, DaNES (Doctors and Nurses, Educators, Sanitarians) for Healthy Communities.)*

*(This space purchased for \$500 in accordance with ORS 251.255.)*

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# Measure No. 89 Arguments

## ARGUMENT IN FAVOR

**Measure 89 Is the Oregon Health Security Fund.**

**Measure 89 Is a Great Investment in Oregon's Health!**

Measure 89 Sends Oregon's tobacco settlement dollars to the places they need to go:

- **Prevention of Smoking**
- **Health Support and Maintenance**

**Measure 89 is a Health Support Measure.** In addition to Tobacco Use Prevention:

- Provides Low-Income Affordable Housing for the Elderly, Disabled, and Low-Income Families. **Housing is Fundamental to Health!**
- Provides Transportation for Elderly and Disabled. Transportation gets people to the Doctor.
- Provides County **Public and Mental Health Services**.
- Provides **Shelter for Battered Women**.

**Measure 89 Sets up a Trust Fund** so that the Limited Tobacco Settlement Dollars will last Oregon for Generations to come. Only the Interest on the Fund will be spent. Will smooth out annual funding and allow better planning.

**Measure 89 Is Oregon's Best Bet** for critically needed Low-Income Housing Development Dollars. The State General Fund cannot adequately support Education, Health, and Housing. The need for housing assistance has continued to grow for 15 years. Measure 89 provides a rare way to help solve the problem.

**The Housing Lobby Coalition urges you to Vote Yes on Measure 89 because Housing is Fundamental to Health!**

*(This information furnished by Jim Markee, Housing Lobby Coalition.)*

*(This space purchased for \$500 in accordance with ORS 251.255.)*

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## ARGUMENT IN FAVOR

If you've ever seen the movie "The Insider" this is how the ending makes sense.

The Creation of the Health Security Fund from OREGON'S TOBACCO SETTLEMENT ALLOCATION is a GOOD IDEA. It makes good sense and does not stem from greed which seem to earmark other measures wanting to use the tobacco settlement allocation. This measure will protect the principle amount of the fund for use during economic downturns while using the interest to protect our public health and safety, provide needed funding for housing and senior transportation, Oregon Health Sciences University and funding for tobacco prevention and cessation programs.

WE MUST INVEST in protecting our communities and their citizens. The ability of local programs to provide needed prevention, early intervention and protective programs is in a state of serious disrepair. Our mental health system cannot adequately provide necessary services for our children as well as crisis services for adults and local health departments are left with little ability to address communicable diseases.

TOBACCO SETTLEMENT DOLLARS ARE THE ANSWER.

The local programs you will be funding with this measure were established to protect and ensure the health of us all. These SERVICES ARE IN SERIOUS NEED OF SUPPORT. WITHOUT OUR SUPPORT, AND THE REVENUE PROVIDED IN THIS BALLOT MEASURE, THE ABILITY OF THESE SERVICES TO PROTECT YOU AND YOUR COMMUNITY WILL BE GREATLY REDUCED. Preventive mental health care, protection against food born illnesses such as E. coli, and prevention efforts against dangerous communicable diseases are examples of such services that protect the health of each community in our state.

WE NEED YOUR SUPPORT! PLEASE READ ALL OF THE MEASURES ON THE BALLOT CAREFULLY. MEASURE 89 IS A MEASURE WE CAN ALL SUPPORT.

THANK YOU

*(This information furnished by Gina Firman, Settlement Funds For Healthy Oregonians and Communities.)*

*(This space purchased for \$500 in accordance with ORS 251.255.)*

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# Measure No. 89 Arguments

## ARGUMENT IN FAVOR

Community protective health and mental health services are unlike personal health care services, and are undertaken in order to protect the overall health and safety of communities. Examples include infectious disease control, immunizations, maternal and child health clinics, mental health crisis and commitment services and case management of former state hospital patients.

With all of the pressures on the state General Fund, these critical local health and mental health programs have fallen behind in receiving adequate state funding to provide these essential public and mental health services. Local revenues to support these needed programs have seriously declined due to property tax limitations and reduced timber receipts.

Measure 89 creates the "Oregon Health Security Fund". Funded by the Tobacco Settlement Dollars (not our tax dollars), approximately \$75 million a year for at least 20 years will be put into this trust fund. The interest will be spent for critical services including your local public and mental health system. It won't take long for the principal to build and the interest to be a substantial boon to the services that protect you and your community.

Ballot Measure 89 calls for the interest to be spent on six areas:

1. Prevention of smoking and treatment of tobacco related disease
2. Local public and mental health services
3. Low-income housing development
4. Transportation for the elderly and disabled
5. Emergency shelter for battered women
6. Services for Oregon Health Sciences University

**PLEASE SUPPORT THE CREATION OF THE HEALTH SECURITY FUND FOR THE HEALTH AND SAFETY OF ALL OREGONIANS**

*(This information furnished by Gina Firman, Coalition of Concerned Community Mental Health Professionals.)*

*(This space purchased for \$500 in accordance with ORS 251.255.)*

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## ARGUMENT IN OPPOSITION

**The American Heart Association**

**BALLOT MEASURE 89  
FAILS TO DEVOTE ENOUGH TO PREVENTION**

The National Tobacco Agreement will bring hundreds of millions of dollars to Oregon. It would be a big mistake not to devote enough of the settlement money to tobacco-prevention to make a real difference. This is an historic opportunity that will not come to Oregon again anytime soon. Let's not make a mistake that we will be **paying for**, for the rest of our lives.

**BALLOT MEASURE 89  
FAILS TO REDUCE COSTS TO TAXPAYERS**

It's been estimated that diseases caused by tobacco use cost Oregonians over \$1 billion dollars a year in economic and health costs. Just over \$300 million a year in taxpayer dollars are spent in Oregon on public health care. The only way we can really reduce these costs, over the long haul, is to invest in tobacco prevention today.

**BALLOT MEASURE 89  
FAILS TO PROTECT OUR KIDS**

The overwhelming majority of smokers began smoking as children or teens. Smoking has devastating health consequences. For instance, 21% of all heart disease deaths are caused by smoking. Tobacco prevention is critical to keeping our kids healthy now, and in the future.

**That's Why...**

**THE AMERICAN HEART ASSOCIATION**

**is Opposed to Measure 89**

Tobacco Settlement Money Should Make a Real Commitment to Tobacco Prevention!

**TO ENSURE THE FUTURE HEALTH OF OREGON**

**VOTE NO on BALLOT MEASURE 89**

*(This information furnished by John Chism, American Heart Assoc.)*

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# Measure No. 89 Arguments

## ARGUMENT IN OPPOSITION

**The AMERICAN LUNG ASSOCIATION of Oregon  
Opposes Measure 89**

Tobacco Settlement Dollars Should be Used to Make a Real Commitment to Tobacco Prevention

**MEASURE 89 FAILS TO DEVOTE ENOUGH MONEY TO  
TOBACCO USE REDUCTION FOR OUR KIDS**

And, there are a few things we think you should know before you vote. We're opposing this Measure 89 because it would not make a REAL commitment to tobacco prevention in Oregon. Millions and millions of Tobacco Settlement dollars are flowing into Oregon right now. But Measure 89 doesn't devote enough of the Settlement to fund the very programs we need most to keep our kids safe and healthy...and that's just wrong.

We're the American Lung Association of Oregon. We've spent nearly a century in Oregon promoting and providing programs to prevent devastating tobacco-related diseases like lung cancer and emphysema. You can trust us to put the health of Oregonians first and foremost, we always have.

**We Believe the Settlement Money Should be Used as it  
was Intended, to Make a REAL Commitment to  
Reduce Tobacco Use.**

**FACT:** Implementing effective youth-targeted programs, combined with community and media activities, can prevent or postpone the onset of smoking among 20% to 40% of U.S. adolescents.

**FACT:** 90% of new smokers are children and teens. According to the Centers for Disease Control (CDC), comprehensive tobacco prevention programs are the most effective in reducing tobacco use.

**FACT:** Nationwide public health studies indicate more than one-third (36.4%) of high school students are current smokers. In Oregon, over 60,000 children already use tobacco.

**We believe you should know who is behind  
Measure 89...Special Interests.**

**FACT:** Measure 89 is just another example of the Legislature giving in to Special Interests.

**FACT:** Measure 89 diverts the Tobacco Settlement to pay for the Legislature's Pet Projects.

**FACT:** Measure 89 is just one more measure that says one thing, but does another.

**The AMERICAN LUNG ASSOCIATION of Oregon Urges You  
to  
Vote "No" on MEASURE 89**

*(This information furnished by David J. Delvreelee, American Lung Association of Oregon.)*

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## ARGUMENT IN OPPOSITION

**American Cancer Society of Oregon Opposes Measure 89  
Measure 89 Fails to Commit to Tobacco Prevention**

Oregonians have put their trust in the Cancer Society for more than 54 years to give them the facts on lung cancer and tobacco-related illness. We are opposing Measure 89 because it devote enough money to prevention.

**Measure 89 Doesn't Meet Oregon's Needs for  
Tobacco Reduction**

Ballot Measure 89 is pork barrel politics at it worst. It's just another example of the legislature kowtowing to a litany of special interests. Measure 89 would divert the tobacco settlement money to a whole host of pet projects. This goes against the original intent of the settlement – to help reduce the financial burden of tobacco use.

**Measure 89 Won't Help Save Oregon Taxpayers Money**

Oregon taxpayers spend nearly \$400 dollars a year on public health costs linked to illnesses caused by tobacco use. Investments in anti-smoking efforts will pay major dividends through better public health and a reduction in health care costs by reducing the expensive illnesses associated with tobacco.

**Measure 89 Won't Help Improve Health Down the Road**

And here are the facts:

- Tobacco use is one of the leading causes of cancer in this country
- Tobacco kills more than 1 in 5 Oregonians
- Tobacco is already used by over 60,000 Oregon children
- Tobacco is the most preventable threat to our nation's health

You can trust us when we say, **"Prevention Works."** Funding tobacco prevention saves lives and reduces illness—then we could spend those funds other ways. Measure 89 doesn't do enough to fund tobacco prevention—and that's what the Tobacco Settlement was all about.

**The Cancer Society Urges You to Vote NO on 89**

Use the tobacco settlement funds to fight tobacco addiction, and reduce the toll tobacco takes on our state!

*(This information furnished by Nancy Bennett, American Cancer Society.)*

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# Measure No. 89 Arguments

## ARGUMENT IN OPPOSITION

**WHO CAN YOU TRUST TO GIVE YOU HONEST INFORMATION ABOUT ISSUES THAT EFFECT OREGONIAN'S FUTURE HEALTH?**

Measure 89 doesn't devote enough of the Tobacco Settlement money to tobacco prevention, and that's why...

The Following Groups ALL Oppose Measure 89

AMERICAN CANCER SOCIETY

AMERICAN HEART ASSOCIATION

AMERICAN LUNG ASSOCIATION OF OREGON

OREGON FEDERATION OF NURSES AND HEALTH PROFESSIONALS

AMERICAN COLLEGE OF CARDIOLOGY, OREGON CHAPTER

OREGON ADVOCACY COALITION OF SENIORS & PEOPLE WITH DISABILITIES

AMERICAN ASSOCIATION OF UNIVERSITY WOMEN OF OREGON

OREGON ALLIANCE OF CHILDREN'S PROGRAMS

OREGON STATE COUNCIL OF SENIOR CITIZENS

OREGON HEALTH CARE ASSOCIATION

OREGON CENTER FOR ASSISTED LIVING

HUMAN SERVICES COALITION OF OREGON

PORTLAND GRAY PANTHERS

OREGON ADVOCACY CENTER

OREGON CONSUMER LEAGUE

UNITED SENIORS OF OREGON

**WHO'S BEHIND MEASURE 89?**

Measure 89 Funds a Litany of Special Interest Group's Pet Projects...It's Just Politics as Usual

And that's bad for Oregon's health because Measure 89 to fails to devote enough money to prevention of tobacco-use!

**The People You Can Trust to Put Oregon's Health First**

**Urge You to: VOTE NO ON MEASURE 89**

*(This information furnished by John Valley, American Cancer Society.)*

*(This space purchased for \$500 in accordance with ORS 251.255.)*

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## ARGUMENT IN OPPOSITION

Oregonians Have Trusted Us to Protect Your Health For 190 Years

AMERICAN LUNG ASSOCIATION, est. in Oregon 1915

AMERICAN HEART ASSOCIATION, est. in Oregon 1948

AMERICAN CANCER SOCIETY, est. in Oregon 1946

And, we are opposed to Measure 89 because...

Measure 89 Doesn't Spend enough of the Tobacco Settlement on Tobacco Prevention

**THE US CENTERS FOR DISEASE CONTROL AND PREVENTION, the "CDC" says...**

The following are excerpts from the US Surgeon General and the Centers for Disease Control and Prevention Report "Healthy People 2010." Emphasis Added.

"The most important advance in comprehensive programs has been the emergence of **statewide tobacco control efforts**"

"Evidence shows that these multi-faceted, **state-based tobacco control programs are effective** in reducing tobacco use"

**THE US CENTERS FOR DISEASE CONTROL AND PREVENTION, the "CDC" is Right...Prevention Does Work!!!**

But, In Order for Prevention TO Work

Oregon Needs to Make a REAL Commitment

That Means Defeating Measures, Like 89, which Fails to Adequately Fund Prevention

**Oregon's Heart, Lung and Cancer Organizations are Opposed to Measure 89**

Measure 89 falls short because it just doesn't do enough to Fund Prevention from Settlement Dollars

**WE URGE YOU to VOTE NO on MEASURE 89**

*(This information furnished by John Valley, American Cancer Society.)*

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# Measure No. 89 Arguments

## ARGUMENT IN OPPOSITION

**OREGON NURSES & HEALTH CARE PROFESSIONALS**

**REJECT BALLOT MEASURE 89**

**Because it doesn't do enough for tobacco prevention!**

**VOTE NO ON MEASURE 89...**

because it fails to devote enough of the Tobacco Settlement money to tobacco-prevention.

**VOTE NO ON MEASURE 89...**

because prevention programs to ensure the future health of Oregon's kids deserve a real commitment.

**VOTE NO ON MEASURE 89...**

because the huge costs associated with treating tobacco-related illnesses are breaking the "financial" backs of Oregon taxpayers.

**VOTE NO ON MEASURE 89...**

As nurses and health care providers, we can tell you first hand, diseases caused by tobacco take a real toll, both on people's health and on scarce healthcare dollars. The Tobacco Settlement was, in great part, about decreasing the future costs associated with nicotine addiction and smoking. We're opposing Measure 89 because doesn't devote enough of the Tobacco Settlement for tobacco prevention in Oregon.

**The Facts-**

1. Everyday in America, nearly 3,000 children start to smoke;
2. Nearly every adult smoker today, started smoking as a kid (90%);
3. The greatest tobacco use increase in youth occurs between 7th and 9th grade.

**The Costs-**

1. It costs Oregon taxpayers more than **\$300 million dollars** a year on average, for public health costs associated with tobacco use
2. It costs Oregon taxpayers, about **\$100 million dollars** in indirect costs associated with 1 million lost work days associated with tobacco use
3. It costs Oregon more than **\$400 million dollars** a year on average, for private health costs associated with tobacco use

**Measure 89 Doesn't Devote Enough to Prevention  
Measure 89 Won't Do One Thing to Reduce  
Future Health Care Costs**

**Please Join the Oregon Federation of NURSES  
and Health Professionals**

in

**Voting NO on Measure 89!**

*(This information furnished by Katherine R. Schmidt, Oregon Federation of Nurses and Health Professionals.)*

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## ARGUMENT IN OPPOSITION

**Oregon Nurses Say "No" to Ballot Measure 89 Because...  
It fails to Make a Commitment to Tobacco Prevention**

- **It's Time to Make a Real Commitment to Tobacco Prevention in Oregon**

Measure 89 does not allocate a reasonable amount of the Tobacco Settlement dollars for Tobacco Prevention. The Tobacco Settlement was about recovering money for the damage the tobacco industry has done to our health. The money should be spent on programs to keep them from doing more of the same in the future. The money should be spent on tobacco prevention.

- **Measure 89 Fails to Fund Prevention Adequately**

Oregon's smoking prevention programs have made a big difference...but it's not enough. The Tobacco Settlement was about preventing future tobacco addiction. This measure just doesn't cut it—there is not a reasonable amount for tobacco prevention for the youth of Oregon.

- **Measure 89 Won't Help Our Kids**

What we need are programs to help kids before they start smoking. Research shows that most smokers begin when they are in their teens. If we can help our kids get through their teen years without starting to smoke, they're likely to never smoke. Tobacco prevention efforts are critical in keeping kids from starting to smoke in the first place.

- **Measure 89 is Designed to Fund Special Interests**

This measure is just another example of the legislature caving into special interests and trying to divert the Tobacco Settlement money for its pet projects. Measure 89 is pork barrel politics at its worst.

**Oregon NURSES Ask You to Join Us in**

**Voting NO on Measure 89**

Tobacco Prevention from Tobacco Settlement Money

**Natalie Rasmussen, Registered Nurse**

**Lisa K. Hansen, Registered Nurse**

**Carolyn Carter, Registered Nurse**

**Anne Rosenfeld, Registered Nurse**

**Jean R. Moseley, Registered Nurse**

**Sara Crivellone, Registered Nurse**

**Maryanne Bletscheu, Registered Nurse, MSN**

*(This information furnished by Maryanne Bletscheu, RN, MSN.)*

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# Measure No. 89 Arguments

## ARGUMENT IN OPPOSITION

### Former Surgeon General C. Everett Koop Urges No Vote on Measure 89

Dear Oregon Families,

Ballot Measure 89 is a lost opportunity. Ballot Measure 89 takes tobacco settlement dollars designed for preventing tobacco use and spends it on **special interest projects that have nothing** to do with preventing kids from starting smoking or helping smokers quit. That is why I join with Oregon's leading public health advocates including the American Cancer Society, the American Lung Association and the American Heart Association to oppose Measure 89. I strongly urge voters to protect Oregonian's health, lives and pocketbooks by voting **NO** on Measure 89.

The tobacco settlement is an historic opportunity—not only to send a message to tobacco companies that we recognize their products for what they are—agents of death—but also to put in place programs that will improve public health in the future by reducing tobacco use. Using the tobacco settlement money for what it was intended -to provide smoking prevention programs, especially for kids and to help smokers stop smoking, is the wisest use of these funds.

As former Surgeon General, I know tobacco use is the nation's number one preventable cause of premature death and disease. The devastating effects of smoking are clear—thousands of lives have been lost and billions paid to provide health services to persons with tobacco-related illness. Despite this, tobacco companies continue to addict thousands of new smokers every year. After a drop in the number of new youth smokers, smoking is again on the rise among young people for most of the last decade. We need to make investments in smoking prevention efforts— and to use the settlement for what it was intended: **to reduce the damage that tobacco use inflicts on Oregon.** Measure 89 fails to do that.

I strongly urge you to vote **NO** On Measure 89.

Sincerely,

C. Everett Koop, M.D, Sc.D

*(This information furnished by Dr. C. Everett Koop.)*

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## ARGUMENT IN OPPOSITION

### Oregon Physicians Oppose Measure 89 Because...

Tobacco Settlement Dollars Should be Spent on Tobacco-related Problems!

And, Measure 89 Fails to Do This!

As physicians, we see patients every day with serious tobacco-related illnesses. These diseases are often life threatening, and may include lung cancer, emphysema, and mouth and throat cancers. Measure 89 squanders Oregon's chance to effectively address tobacco-use reduction.

#### That's Why Doctors OPPOSE Ballot Measure 89

The tobacco settlement monies should be used for smoking prevention efforts and to help smokers stop smoking. Measure 89 does not dedicate a reasonable amount of the Settlement dollars coming into Oregon for tobacco-use prevention and instead gives the money away to a long list of pork barrel projects and special interests.

Tobacco-related illnesses are not only devastating for the patient, they are extremely expensive, costing Oregonians \$1.5 billion in medical expenses and lost productivity in 1996 alone.

Smoking among youth is increasing. Unless efforts are made now to intervene, the cycle of addiction will continue—driving up future medical costs and cutting short the lives of productive citizens.

#### Measure 89 Doesn't Help Solve the Problem

We are opposing Measure 89 because if we don't commit to prevention, we won't solve the problem. Measure 89 fails to do the job. Measure 89 fails to adequately support tobacco-use reduction in Oregon.

#### Join DOCTORS from Around the State in Voting NO on MEASURE 89

Join Us in Supporting Tobacco Settlement Dollars for Tobacco Prevention

**Andrea Kielich, MD**

**David Kilewer, MD**

**Bruce Thomson, MD**

**Mark Rampton, MD**

**Gary Goby, MD**

**Donald Austin, MD**

**Tom Becker, MD**

**Jay Kravitz, MD**

**Bernard Kliks, MD**

**Bruce McLellan, MD**

**David Gilmour, MD**

*(This information furnished by Donald F. Austin, MD.)*

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# Measure No. 89 Arguments

## ARGUMENT IN OPPOSITION

**The OREGON HEALTH CARE ASSOCIATION:  
Caring for the Frail and Elderly**

**Urges a NO Vote on Measure 89 Because...**

It Fails to Devote Enough of the Tobacco Settlement Money  
to Tobacco Prevention

&

We Should Stop the Special Interest Money Grab!

**The Funding Does NOT Go to the Right Places**

Nearly 50% of all tobacco related illnesses end up in Long Term Care facilities across the state of Oregon. The funding from Measure 89 is not enough to help any State program AND it's inadequate to properly fund tobacco prevention—the long-term solution to tobacco related disease. Measure 89 short-changes Oregon's frail, elderly and disabled citizens.

**Stop the SPECIAL INTEREST Money Grab**

Measure 89, designed by special interest groups, will take the millions of Tobacco Settlement dollars to fund a grab-bag of pet projects. Now we have to fight to get it back, or Oregon seniors will be seriously hurt. Tobacco costs the Oregonians hundreds of millions of tax dollars every year in medical costs, lost wages, and productivity. The Tobacco Settlement was SUPPOSED to help this problem by funding areas most impacted by tobacco use. And, instead Measure 89 is just another measure that promises one thing, but delivers something else.

**NOT Enough funding for TOBACCO PREVENTION**

Not only does this measure fail to direct money where it should go, but it hardly funds tobacco prevention – the REAL purpose of the settlement money. Oregon should be concentrating on stopping smoking through prevention, not through funding a litany of non-related programs. Reports from the US Centers for Disease Controls AND former Surgeon General C. Everett Koop promote prevention as being key. Measure 89 does NOT provide enough money for tobacco use reduction.

**Show the Legislature their MONEY GRAB is WRONG!**

**Show the Legislature that TOBACCO SETTLEMENT  
DOLLARS Should be Used to make a  
Genuine Commitment to TOBACCO PREVENTION!**

**VOTE NO! on MEASURE 89**

Please join with the Oregon Health Care Association  
in defeating this Measure

*(This information furnished by Jonathan Eames, Oregon Center For Assisted Living, Oregon Health Care Association.)*

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## ARGUMENT IN OPPOSITION

**HUMAN SERVICES COALITION OF OREGON**

**Opposes Measure 89 because...  
It Doesn't Devote Enough of the Tobacco Settlement  
to Tobacco Prevention**

The Human Services Coalition of Oregon (HSCO) is comprised of organizations who are dedicated to advocating for low-income Oregonians access to health care and social services. Yet, HSCO is opposed to Measure 89.

**Why is that?**

Measure 89:

Would prevent **any significant funding**, from the Tobacco Settlement, from going to tobacco prevention programs in Oregon.

Measure 89:

Is constructed in a way that provides so little funding, it **won't really help the programs Oregon cares about.** And, we know the importance of making a real investment in human services.

Measure 89:

Doesn't make good sense. If we would spend a responsible amount of the Tobacco Settlement on tobacco prevention now, we would save Oregon tax dollars and Oregon lives. **After all, decreasing future tobacco use was a key element of the Tobacco Settlement.**

**Please join HSCO in Opposing this Measure!**

**VOTE NO ON MEASURE 89  
Tobacco Settlement Dollars for Tobacco Prevention**

*(This information furnished by Gina Mattioda, co-chair of HSCO.)*

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# Measure No. 89 Arguments

## ARGUMENT IN OPPOSITION

### GOVERNOR KITZHABER RECOMMENDS A NO VOTE ON MEASURE 89.

I oppose Measure 89 because I believe funds from the tobacco settlement should pay for health-related programs.

Oregon legislators had a good idea when they decided to invest Oregon's windfall from the national tobacco settlement in a trust fund and only spend the earnings from the trust, rather than spend the money as fast as it's received. But in drafting Measure 89, legislators sabotaged their good idea by divvying up trust fund earnings among a variety of programs.

The programs Measure 89 would fund are worthy and I sought and got funding for most of them in the current state budget. But I believe tobacco settlement funds should be used to finance low-income health care. After all, the costs paid by the state to treat low income Oregonians for tobacco related illnesses was the basis for the state's law suit against the tobacco companies. That should be our first priority for using tobacco settlement receipts.

Unfortunately, Measure 89 does not spend a penny of tobacco settlement funds on the Oregon Health Plan.

But another Measure on the ballot, Measure 4, does. It takes the legislature's idea of investing tobacco settlement dollars in a trust fund and directs all earnings from the trust to Oregon Health Plan Programs. Measure 4 will help provide for these important programs.

None of the programs Measure 89 would fund qualify for federal matching funds. But nearly every dollar of funding for health care provided by Measure 4 will be matched by almost two dollars from the federal government.

Measure 4 uses tobacco settlement revenues for appropriate priorities. Measure 89 does not. I urge you to compare the measures and join me in voting NO on Measure 89 and yes on Measure 4.

John Kitzhaber  
Governor

*(This information furnished by John A. Kitzhaber, M.D.)*

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## ARGUMENT IN OPPOSITION

### Measure 89 does nothing to expand healthcare coverage for uninsured Oregon children.

#### The Oregon Pediatric Society opposes Measure 89.

There's simply no good reason any child in Oregon should be without healthcare. Yet legislators who passed Measure 89 failed to include needed funding to pay for low-income children's health-care coverage – or any other Oregon Health Plan program.

Through the Oregon Health Plan, Oregon has expanded health-care coverage to thousands of low-income Oregon children. Because the federal Children's Health Insurance Program matches state dollars on a nearly three-to-one basis, children's healthcare is a cost-effective investment. However, limited state funds last year left more than 61,000 Oregon children without healthcare.

The programs included in Measure 89 do not qualify for federal matching funds. That misses the opportunity to use tobacco settlement funds to leverage additional benefits for Oregon.

There is a better alternative. The Oregon Pediatric Society supports Measure 4. It provides a stable base of long-term funding for Oregon Health Plan programs. Measure 4 specifically requires the legislature to use earnings from the Oregon Health Plan Trust Fund to "maximize funding for expanding children's health coverage under the Children's Health Insurance Program."

The Oregon Pediatric Society believes Measure 4 wisely invests the state's share of tobacco settlement funds where it can do the most good for most Oregonians. Measure 4 puts the first priority for healthcare on Oregon's children and it maximizes matching funds available through federal healthcare programs, including the federal Children's Health Insurance Program.

**Measure 89 puts funds into legislators' pet programs and fails to maximize settlement dollars. The Oregon Pediatric Society urges you to vote NO on Measure 89 and vote YES on Measure 4.**

*(This information furnished by James K. Lace, M.D., F.A.A.P., Oregon Pediatric Society.)*

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# Measure No. 89 Arguments

## ARGUMENT IN OPPOSITION

### **Oregon Association of Hospitals and Health Systems Opposes Measure 89 Because It Fails to Direct Any Tobacco Settlement Funds to Oregon Health Plan Programs**

The state's share of the national tobacco settlement provides Oregon a unique chance to secure stable, long-term funding for Oregon Health Plan programs. The settlement resulted from the state's lawsuit seeking reimbursement of its expenses paid to cover treatment of tobacco-related illnesses for low-income Oregonians. So it's logical to use the settlement to pay for low-income health care

### **Yet Measure 89 provides not a penny to Oregon Health Plan programs**

Measure 89 distributes earnings from a tobacco settlement trust fund to a wide range of programs - many with little connection to the lawsuit that led to the settlement. Yet it fails to provide any funding for the Oregon Health Plan. The Oregon Health Plan has worked to expand coverage and keep health care costs in Oregon among the lowest in the nation. While nationally the number of uninsured has risen to 18 percent, the number of Oregonians without health insurance has been reduced to 10 percent - thanks in large part to the Oregon Health Plan. Since the Oregon Health Plan was implemented, the rate of uninsured children in Oregon has been cut from 20 percent to just 6 percent.

But the Oregon Health Plan is in risk. The current state budget left 61,000 children in Oregon without health care - despite the fact that the federal government will pay 72 cents of every dollar it costs to cover uninsured children. None of the programs supported by Measure 89 qualifies for similar federal matching funds.

Examine Measure 4, an alternative to Measure 89, that directs tobacco settlement trust fund earnings to Oregon Health Plan programs. It makes better use of tobacco settlement funds.

### **The OAHHS urges you to vote NO on Measure 89 and YES on Measure 4**

*(This information furnished by Kenneth M. Rutledge, Oregon Association of Hospitals and Health Systems.)*

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## ARGUMENT IN OPPOSITION

### **Two Legislators Explain Why They Recommend a NO Vote on Measure 89**

We are a Republican and a Democrat, an urban legislator and one from rural Oregon. We oppose Measure 89 and encourage you to take a close look why. We think you'll agree Measure 89 is not the best investment Oregon can make with its share of the national tobacco settlement.

Estimates are that Oregon will get more than \$2 billion over 25 years under terms of the settlement. Last year, most legislators agreed that it's wiser to invest tobacco settlement funds in a trust and just spend the interest rather than pay out all the money as fast as we get it. A trust fund will continue to produce revenues for the state long beyond the 25 years tobacco companies will be making payments.

Measure 89 creates that kind of trust fund. But it spends trust fund earnings on programs that, while laudable, don't make best use of the newfound funds.

### **Measure 89 fails to invest any of the trust fund's earnings on Oregon Health Plan programs for low-income Oregonians.**

We are chief petitioners on another measure, Measure 4. It also creates a trust fund with tobacco settlement revenues. However, our measure uses earnings for Oregon Health Plan programs - programs that qualify for federal matching funds. Nearly every dollar Measure 4 generates will be matched by two or more dollars from the federal government.

### **None of the programs funded by Measure 89 qualifies for federal matching funds.**

Since its inception, Oregon Health Plan funding has been threatened by budget limits. Our measure puts settlement dollars to work forever, providing a guaranteed base of support for health care programs helping Oregon's most vulnerable citizens. Measure 89 neglects that priority and it fails to maximize federal funds available to help pay for health care for low-income Oregonians.

### **VOTE NO ON MEASURE 89!**

Senator Eugene Timms (R-Burns)

Senator Lee Beyer (D-Springfield)

*(This information furnished by State Senator Lee Beyer, State Senator Eugene Timms.)*

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# Measure No. 90

Proposed by referendum petition to be voted on at the General Election, November 7, 2000.

## BALLOT TITLE

### 90 AUTHORIZES RATES GIVING UTILITIES RETURN ON INVESTMENTS IN RETIRED PROPERTY

**RESULT OF "YES" VOTE:** "Yes" vote authorizes rates giving utilities return on undepreciated investments in certain retired utility property.

**RESULT OF "NO" VOTE:** "No" vote rejects authorizing rates giving utilities return on undepreciated investments in certain retired property.

**SUMMARY:** Current law prohibits public-utility rates derived from rate base that includes any property not presently used for providing service; Public Utility Commission may authorize rates that return to utilities amounts representing undepreciated investments in utility plants that have been retired for specified reasons. Measure authorizes Commission to allow public and telecommunications utilities to set rates at levels giving utilities return on their undepreciated investments in property retired from service (including Trojan) for specified reasons. Applies to property retired before, on, or after effective date.

**ESTIMATE OF FINANCIAL IMPACT:** There is no financial effect on state or local government expenditures or revenues.

## TEXT OF MEASURE

### AN ACT

Relating to recovery of investment in retired utility property; creating new provisions; and amending ORS 757.140 and 759.135.

**Be It Enacted by the People of the State of Oregon:**

**SECTION 1.** ORS 757.140 is amended to read:

757.140. (1) Every public utility shall carry a proper and adequate depreciation account. The Public Utility Commission shall ascertain and determine the proper and adequate rates of depreciation of the several classes of property of each public utility. The rates shall be such as will provide the amounts required over and above the expenses of maintenance, to keep such property in a state of efficiency corresponding to the progress of the industry. Each public utility shall conform its depreciation accounts to the rates so ascertained and determined by the commission. The commission may make changes in such rates of depreciation from time to time as the commission may find to be necessary.

(2) **Notwithstanding ORS 757.355**, in the following cases the commission may allow in rates, directly or indirectly, **the return of and a return on** amounts on the utility's books of account which the commission finds represent undepreciated investment in [a] utility [*plant, including that which*] **property that** has been retired from service:

(a) When the retirement is due to ordinary wear and tear, casualties, acts of God, acts of governmental authority; or

(b) When the commission finds that the retirement is in the public interest.

**SECTION 2.** ORS 759.135 is amended to read:

759.135. (1) Every telecommunications utility shall carry a proper and adequate depreciation account. The Public Utility Commission shall ascertain and determine the proper and

adequate rates of depreciation of the several classes of property of each telecommunications utility. The rates shall be such as will provide the amounts required over and above the expenses of maintenance, to keep such property in a state of efficiency corresponding to the progress of the industry. Each telecommunications utility shall conform its depreciation accounts to the rates so ascertained and determined by the commission. The commission may make changes in such rates of depreciation from time to time as the commission may find to be necessary.

(2) **Notwithstanding ORS 757.355**, in the following cases the commission may allow in rates, directly or indirectly, **the return of and a return on** amounts on the utility's books of account which the commission finds represent undepreciated investment in [a] utility [*plant, including that which*] **property that** has been retired from service:

(a) When the retirement is due to ordinary wear and tear, casualties, acts of God, acts of governmental authority; or

(b) When the commission finds that the retirement is in the public interest.

**SECTION 3.** The amendments to ORS 757.140 and 759.135 by sections 1 and 2 of this 1999 Act apply to public utility and telecommunications utility property retired from service before, on or after the effective date of this 1999 Act.

**SECTION 4.** The amendments to ORS 757.140 and 759.135 by sections 1 and 2 of this 1999 Act apply to orders of the Public Utility Commission entered before, on or after the effective date of this 1999 Act.

NOTE: **Boldfaced** type indicates new language; [*brackets and italic*] type indicates deletions or comments.

90

# Measure No. 90

## EXPLANATORY STATEMENT

Measure 90 would change Oregon law to allow regulated utilities (electric, phone, gas, water) to charge rates high enough to give the utilities profits on "retired" plants and property no longer providing service, including plants that have stopped working. The Measure is retroactive and would allow rates giving utilities profits on the Trojan nuclear plant, which shut down permanently in 1992.

Measure 90 would have these effects:

1. It would reinstate a 1995 order of the Oregon Public Utility Commission (Commission) giving Portland General Electric Co. (PGE) profits on the closed Trojan nuclear plant by allowing PGE to charge ratepayers approximately \$304 million for "return on investment" or profit on Trojan.
2. It would nullify the decision of the Oregon Court of Appeals that present law (enacted by voters by initiative in 1978) prohibits utilities from charging rates giving them profits for retired plants, including Trojan.
3. It would allow utilities to charge rates high enough to receive, at the same time, profits on retired plants and also profits on the plants the utilities build to replace them.

Measure 90 would apply to all public utilities regulated by the Oregon Commission.

Measure 90 seeks to bypass, as to retired plants, the existing statute, enacted by Oregon voters in 1978, which states:

No public utility shall, directly or indirectly, by any device, charge, demand, collect or receive from any customer rates which are derived from a rate base which includes within it any construction, building, installation or real or personal property not presently used for providing utility service to the customer.

Measure 90, however, would authorize the Oregon Commission to allow utilities to receive profits on plants, including those which have stopped working or are otherwise retired before the end of their expected lives.

Measure 90 is retroactive and would apply to all utility plants and property retired in the past. The Trojan nuclear plant was permanently closed in 1992, 19 years before the end of its expected life. In 1995, the Oregon Commission allowed PGE to charge ratepayers approximately \$304 million to give PGE stockholders a "return on investment" or profit on Trojan. (This assumes no future change to the rate of return the Oregon Commission approved for PGE.)

By the end of 1999, PGE ratepayers had paid approximately \$150 million to PGE for Trojan profits.

In 1998, the Oregon Court of Appeals reversed the 1995 Oregon Commission order, concluding that present law (the 1978 ballot measure) prohibits utilities from charging rates to receive profits on plants not providing service, including Trojan. While the Oregon Supreme Court was reviewing this decision, the 1999 Oregon Legislature passed HB 3220. PGE then asked the Supreme Court to reverse the earlier Court decision, on the basis of HB 3220. Oregon citizens then submitted 53,489 valid signatures to subject HB 3220 to a statewide referendum. Measure 90 is the referendum on HB 3220. Measure 90 is not an initiative.

**Committee Members:**

Bob Jenks  
 Daniel W. Meek  
 Jay Dudley\*  
 Representative Jim Hill\*  
 Charles Davis

**Appointed by:**

Chief Petitioners  
 Chief Petitioners  
 Secretary of State  
 Secretary of State  
 Secretary of State

\*Member dissents (does not concur with explanatory statement)

*(This committee was appointed to provide an impartial explanation of the ballot measure pursuant to ORS 251.215.)*

06

# Measure No. 90 Arguments

## ARGUMENT IN FAVOR

Portland General Electric (PGE), the Citizens' Utility Board of Oregon (CUB) and the staff of the Oregon Public Utility Commission (OPUC) have resolved a major cost issue involving the retired Trojan plant. The plan, if approved by the Commission, will save PGE customers a \$10.2 million in the first year.

The agreement provides a way to take all of the remaining Trojan investment off the books, so that consumers will no longer pay for PGE's investment in Trojan through their monthly electric bills.

Trojan was closed in January 1993 for economic reasons. Although the plant is closed, a portion of customers' electric bills goes toward recovering PGE's initial investment in Trojan, and to paying a return on that investment – the "interest" customers pay on the amount remaining on PGE's books. The issue of return on investment became the center of the debate. It is pending in a court case and is affected by the November 2000 Ballot Measure 90.

The new agreement addresses the issue by retiring the investment and ending the return on investment.

To retire this investment, PGE would apply amounts it has on its books as credits to customers over time, plus a substantial contribution from its shareholders, to the remaining Trojan balance. PGE's credits to customers include settlements of contracts with other utilities and benefits from the 1997 merger with Enron. Ongoing decommissioning costs at Trojan are not affected by the agreement.

Ballot Measure 90 will remain on the November ballot but has less significance with the Trojan investment removed from prices.

*(This information furnished by Cindy M. Finlayson, Portland General Electric.)*

*(This space purchased for \$500 in accordance with ORS 251.255.)*

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## ARGUMENT IN OPPOSITION

**AARP URGES OREGONIANS TO  
VOTE "NO" ON MEASURE 90**

### **MEASURE 90 IS UNFAIR TO OREGONIANS**

In 1978, Oregon voters passed a ballot initiative to prohibit utility companies from charging customers for facilities that are not presently being used to provide service to customers. Measure 90 seeks to overturn the established position of Oregon voters. If enacted, Measure 90 would allow a utility to impose charges on customers for facilities that have been shut down and are no longer being used to provide service.

### **MEASURE 90 WILL RAISE ELECTRICITY RATES**

Measure 90 will allow Portland General Electric (PGE) to recover **\$304 million** in profits on the Trojan nuclear plant which is no longer in operation. PGE closed the plant in January, 1993. The company then asked the Oregon Public Utility Commission (PUC) to allow it to continue to charge customers for Trojan's expenses and the profits it would have earned had the plant continued to operate. The PUC granted PGE's request.

### **MEASURE 90 OVERTURNS SUCCESSFUL COURT CHALLENGES**

The PUC's decision was successfully challenged in district court and the court of appeals. Both the Marion County Circuit Court and the Oregon Court of Appeals upheld the position of Oregon voters. Nevertheless, in the spring of 1999, PGE decided to side-step Oregonians and persuaded the legislature to validate the company's previous request. In so doing, the legislature passed House Bill 3220 (now known as Measure 90) which legalized the Trojan profits.

A law already exists in the state which allows utility companies, like PGE, to recover certain costs related to shutting down utility plants. This is not at issue. What is at issue is Measure 90 which will allow any utility company to raise rates and collect ongoing profits on a facility which has been closed and is no longer providing service to customers.

### **OREGON VOTERS MUST SEND A MESSAGE TO THE LEGISLATURE**

**BY  
VOTING "NO" ON MEASURE 90**

*(This information furnished by Lois Smith, AARP Advocacy Representative, AARP Oregon.)*

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# Measure No. 90 Arguments

## ARGUMENT IN OPPOSITION

**You didn't build it! You didn't break it!  
You shouldn't have to pay for it!**

- In 1978, Oregonians overwhelmingly passed a statutory initiative prohibiting electric and telephone utilities from charging ratepayers for utility plant or equipment not providing service to customers. **Measure 90 repeals this law and allows private utility rates to include profits on retired utility property not providing service.**

**Vote No on 90**

- Oregon state courts have interpreted the 1978 statutory initiative as prohibiting private utility rates that include a "return on" or profit on plants or equipment not providing service. **Measure 90 would overturn these state court decisions and allow Enron/PGE to collect from ratepayers \$304 million in profit on the abandoned Trojan Nuclear Plant.**

**Vote No on 90**

- **Measure 90 would apply retroactively to all retired utility property. It would enable the Public Utility Commission to reward electric and telephone utilities for failure by forcing ratepayers to pay for utility property no longer in service, just like Trojan.**

**Vote No on 90**

- When stockholders invest in utility common stock, they elect management and share in the rewards of good decision making and the costs of bad decision making. That's the way it's supposed to be. **Measure 90 turns this on its head by forcing utility ratepayers to pay for mismanagement while rewarding stockholders for failure. Measure 90 forces ratepayers to become stockholders against their will.**

**Vote No on 90**

- For far too long electric utilities have had their way with the Legislature and the Public Utility Commission. Again and again, public interest groups have had to turn to the courts and Oregon's initiative and the referendum process to protect ratepayers. **The buck stops with you! The bottom line is simple: You didn't build it! You didn't break it! You shouldn't have to pay for it!**

**Just say NO on 90**

**Don't Waste Oregon**  
<http://www.teleport.com/~dwoc>

Lloyd Marbet  
Candidate for Secretary of State  
[www.marbet.org](http://www.marbet.org)  
(503) 637-3549

*(This information furnished by Lloyd Marbet, Don't Waste Oregon.)*

*(This space purchased for \$500 in accordance with ORS 251.255.)*

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## ARGUMENT IN OPPOSITION

**VOTE NO ON 90**

In 1978 over 60% of Oregon voters enacted Ballot Measure 9, preventing private utilities from charging ratepayers for utility plant which does not provide service.

**Unfortunately 22 years later, voters of Oregon have to protect themselves all over again because the state legislature and our Governor decided that its more important to enrich stockholders than protect you.**

In the last legislative session, Measure 90 was passed, and signed into law by Governor Kitzhaber, so Portland General Electric could charge ratepayers, out to the year 2011, \$304,000,000 in profits for the dead Trojan Nuclear Plant. This is in addition to ratepayers paying for Trojan's decommissioning, clean up and replacement power costs.

**If that's not bad enough, Measure 90 sends a message to all privately run electric and telephone utilities in Oregon that they too won't have to worry about being financially accountable for mismanagement. They too can be rewarded for failure!**

No one asked you whether you wanted to build, operate and decommission the Trojan Nuclear Plant. Those decisions were made by PGE's management. In the private sector, if a corporation screws up, shareholders are supposed to bear the cost, not its customers. **Measure 90 is the goose which lays the golden egg, for it not only does it reward PGE for failure by bailing out its shareholders but it makes them rich at your expense!**

**Measure 90 opens a pandora's box.** Utilities will no longer have to be concerned about whether an asset provides service, as ratepayers will get to pay for it regardless of whether it works or not; and the corporate icing on the cake is that ratepayers get no voice in decision making at all.

**Rewarding utility shareholders for bad decision making is bad for the ratepayers. If you didn't build it - you didn't break it. - you shouldn't have to pay for it.**

**Just say NO on 90!**

*(This information furnished by Andrew V. Reid.)*

*(This space purchased for \$500 in accordance with ORS 251.255.)*

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# Measure No. 90 Arguments

## ARGUMENT IN OPPOSITION

### RALPH NADER URGES "NO" ON 90

#### The \$304 Million Trojan Nuclear Ripoff Continues the Cheating of Utility Ratepayers

Measure 90 is a fraud on Oregon ratepayers, sponsored by the Oregon Legislature. Its immediate effect will be to charge ratepayers \$304 million to give profits to Portland General Electric Co. (PGE) stockholders for the abandoned Trojan nuclear plant, which broke down in 1992.

The Explanatory Statement adopted by the impartial committee appointed by the Oregon Secretary of State, states:

"Measure 90 would change Oregon law to allow regulated utilities (electric, phone, gas, water) to charge rates high enough to give the utilities profits on "retired" plants and property no longer providing service, including plants that have stopped working. The Measure is retroactive and would allow rates giving utilities profits on the Trojan nuclear plant, which shut down permanently in 1992.

Measure 90 would have these effects:

1. It would reinstate a 1995 order of the Oregon Public Utility Commission (PUC) giving Portland General Electric Co. (PGE) profits on the closed Trojan nuclear plant by allowing PGE to charge ratepayers approximately \$304 million for "return on investment" or profit on Trojan.
2. It would nullify the decision of the Oregon Court of Appeals that present law (enacted by voters by initiative in 1978) prohibits utilities from charging rates giving them profits for retired plants, including Trojan.
3. It would allow utilities to charge rates high enough to receive, at the same time, profits on retired plants and also profits on the plants built to replace them."

The way for a utility to maximize profits under Measure 90 is to build plants that break, then replace them with more plants that break. This is not free enterprise. This is welfare for monopoly corporations, paid for in your utility bills.

**Ralph Nader and the Pacific Green Party say:**

**VOTE "NO" ON 90**

*(This information furnished by Daniel Meek, Utility Reform Project (www.utilityreform.com).)*

*(This space purchased for \$500 in accordance with ORS 251.255.)*

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## ARGUMENT IN OPPOSITION

### UTILITY REFORM PROJECT

LLOYD MARBET and DAN MEEK

say

"NO" ON 90

**Don't be fooled by the alleged "settlement" on Trojan profits trumpeted by PGE and the newspapers.**

**We are full parties in the lawsuits.  
We did not settle anything!**

**We are fighting the \$304 Million Trojan Ripoff!**

Measure 90 is the Legislature's billion dollar gift to the utilities, bought with nearly \$1 million in utility campaign contributions to legislative candidates in 1998.

A 69-31% statewide vote in 1978 adopted an initiative (Measure 9) that prohibited utilities from charging ratepayers for plants that do not work. Measure 90 destroys that initiative.

The Explanatory Statement, adopted by the impartial committee appointed by the Oregon Secretary of State, explains:

In 1995, the Oregon PUC allowed PGE to charge ratepayers approximately \$304 million to give PGE stockholders a 'return on investment' or profit on Trojan."

and

"In 1998, the Oregon Court of Appeals reversed the 1995 PUC order, concluding that present law (the 1978 ballot measure) prohibits utilities from charging rates to receive profits on plants not providing service, including Trojan."

We won in the courts, upholding the 1978 initiative. So the utilities pulled out their wallets, bought their candidates, and had the Legislature pass HB 3220 to:

- destroy the 1978 initiative
- allow PGE to charge ratepayers an additional \$304 million for profits on the Trojan nuclear plant
- allow other electric, gas, phone, and water utilities to charge ratepayers for profits on plants that don't work.

We, OSPIRG, and the Citizens Utility Board (CUB) then collected over 53,000 valid signatures to put this to the voters.

On August 24, PGE and CUB announced a "settlement" of the Trojan case, which would allow PGE to keep \$240 million in Trojan profits it has already collected (which includes interest) and to continue charging ratepayers for Trojan in the future. We did not agree to this.

**Don't be fooled by the press coverage.**

**More Information:**

www.voters.net  
www.marbet.org

**Contacts:**

dan@meek.net  
marbet@mail.com

*(This information furnished by Daniel Meek, Utility Reform Project (www.utilityreform.com).)*

*(This space purchased for \$500 in accordance with ORS 251.255.)*

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# Measure No. 90 Arguments

## ARGUMENT IN OPPOSITION

### CIVIC GROUPS URGE OREGONIANS TO VOTE NO ON MEASURE 90

The 1999 legislature made a big mistake passing HB 3220. The bill, pushed by Portland General Electric (PGE), allowed the utility to charge \$304 million in profits on the closed Trojan nuclear power plant. HB 3220 was passed despite a voter-approved law prohibiting utilities from charging for facilities not providing service. Over 2,000 volunteers collected signatures to refer the bill to the ballot as Measure 90 to stop it from becoming law.

#### MEASURE 90 IS UNFAIR

The legislature passed HB 3220 to short-circuit the courts. After Trojan closed, the Public Utility Commission (PUC) decided that PGE could charge profits it would have earned had the plant remained open. The Citizens' Utility Board, the Utility Reform Project and Lloyd Marbet sued, arguing the decision was not lawful. The Oregon Circuit Court and the Oregon Court of Appeals agreed. But PGE got the legislature to pass HB 3220, retroactively giving the PUC authority the courts said it did not have. It's not fair for the legislature to pass a retroactive law to benefit special interests.

#### MEASURE 90 IS UNNECESSARY

After consumers won in court, PGE was purchased - twice. Enron and Sierra Pacific both bought PGE knowing that, under current interpretation of state law, they cannot earn a profit on Trojan.

#### MEASURE 90 IS UNFRIENDLY TO CONSUMERS

If HB 3220 becomes law, every utility will have a perverse incentive to make bad investments knowing they will be able to collect profits anyway. Utilities should not be able to charge to collect profits on bad investments.

#### VOTE NO ON MEASURE 90.

ALLIANCE FOR DEMOCRACY, PORTLAND  
CITIZENS' UTILITY BOARD OF OREGON  
DON'T WASTE OREGON CAUCUS  
ECUMENICAL MINISTRIES OF OREGON  
GRAY PANTHERS, PORTLAND  
OREGON AARP  
OREGON COMMON CAUSE  
OREGON CONSUMERS LEAGUE  
OREGON LEAGUE OF CONSERVATION VOTERS  
OREGON PEACEWORKS  
OREGON STATE COUNCIL OF SENIOR CITIZENS  
OREGON STATE PUBLIC INTEREST RESEARCH GROUP  
PACIFIC GREEN PARTY  
UNITED SENIORS OF OREGON  
UTILITY REFORM PROJECT

*(This information furnished by Jeff Bissonnette, No on 90 Committee.)*

*(This space purchased for \$500 in accordance with ORS 251.255.)*

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## ARGUMENT IN OPPOSITION

### PROTECT CONSUMERS VOTE NO ON MEASURE 90

In 1995, the PUC approved allowing PGE to charge customers millions of dollars in profits on the closed Trojan nuclear power plant. The Citizens' Utility Board (CUB), a non-profit organization supported by thousands of ratepayers, opposed that decision. We believed a 1978 ballot measure prevented utilities from earning profits on plants not producing electricity.

**We exercised our rights.** We sued. Oregon citizens have the right to challenge decisions by state agencies that are not consistent with the law.

**We won --** first in Oregon Circuit Court and then in the Oregon Court of Appeals. The courts ruled that the PUC did not have the authority to allow Trojan profits after the plant closed.

**PGE went to the legislature and changed the law -- retroactively.** PGE lobbied the 1999 legislature to pass a bill that gave the 1995 PUC the authority to allow Trojan profits. We were surprised. We did not know that the 1999 legislature could change the authority of a state agency in 1995. We always thought that government agencies had to comply with the law as written when they make a decision.

**More than 2000 volunteers stopped that law from going into effect and referred it to voters as Measure 90. This gives Oregonians a chance to say no to retroactive lawmaking.**

**Recently CUB settled our lawsuit with PGE.** If the PUC approves, customers will see rates decrease by \$10.2 million this year. If the 1999 legislation had become law, we would have had no court case to settle and rates would be higher.

A separate lawsuit challenging Trojan profits, but not involving CUB, has not been settled. The citizens behind it deserve their day in court. Measure 90 would take it away.

#### JOIN CUB AND VOTE NO ON 90!

*(This information furnished by Bob Jenks, Citizens' Utility Board of Oregon.)*

*(This space purchased for \$500 in accordance with ORS 251.255.)*

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# Measure No. 91

Proposed by initiative petition to be voted on at the General Election, November 7, 2000.

## EXPLANATORY STATEMENT

### BALLOT TITLE

#### **91 AMENDS CONSTITUTION: MAKES FEDERAL INCOME TAXES FULLY DEDUCTIBLE ON OREGON TAX RETURNS**

**RESULT OF "YES" VOTE:** "Yes" vote makes federal income taxes fully deductible on Oregon personal, corporate income tax returns.

**RESULT OF "NO" VOTE:** "No" vote retains current system limiting federal income tax deduction on Oregon income tax returns.

**SUMMARY:** Amends Constitution. Under current Oregon law, personal income tax payers, including individuals, may deduct money paid in federal income tax; deduction generally limited to \$3000. Currently, corporations paying Oregon income tax get no deduction for federal income tax. Measure makes all federal income tax paid by personal and corporate income taxpayers a deduction on the taxpayers' Oregon income tax returns. Applies only to federal income taxes on income subject to Oregon taxation. Measure effective in tax years starting on or after January 1, 2000.

**ESTIMATE OF FINANCIAL IMPACT:** It is unclear when this measure would take effect. If the measure applies to the 2000 tax year, state revenues will be reduced by approximately \$870 million in fiscal year 2000-01 (the second half of the current budget period).

It is unclear whether this measure applies to corporate excise taxpayers. If it does, state revenues will be reduced by an additional \$66 million for 2000-01 (the second half of the current budget period).

State revenues will be reduced \$800 million to \$1 billion per year beginning in 2001-02, depending upon growth in personal income and federal tax liability, and whether the measure applies to corporate excise taxpayers.

The measure may result in a reduction of state-shared revenues to local governments.

This measure amends the Oregon Constitution to remove from statute the limitation on the amount of federal taxes that individual income taxpayers can deduct in computing Oregon taxable income and to allow corporate income taxpayers to deduct federal taxes in computing Oregon taxable income.

Under current statutory law, Oregon personal income taxpayers, including individuals, may deduct up to \$3,000 of their federal income tax liability on their state income tax return. A deduction is not allowed for any amount of federal income taxes that is in excess of \$3,000. Oregon corporate income taxpayers are not currently allowed to deduct any amount of their federal income taxes from Oregon taxable income.

This measure would allow a personal income taxpayer or a corporate income taxpayer to deduct from Oregon taxable income the entire amount of federal income taxes the taxpayer has paid on income subject to Oregon income tax. This measure also would prohibit local governments or other taxing districts from requiring Oregon taxpayers to pay income taxes on federal income tax payments.

This measure would apply to tax years beginning on or after January 1, 2000.

**Committee Members:**

- Becky Miller
- Bill Sizemore
- Senator Verne Duncan\*
- Representative Jeff Merkley\*
- Fred Miller

**Appointed by:**

- Chief Petitioners
- Chief Petitioners
- Secretary of State
- Secretary of State
- Members of the Committee

\*Member dissents (does not concur with explanatory statement)

*(This committee was appointed to provide an impartial explanation of the ballot measure pursuant to ORS 251.215.)*

### TEXT OF MEASURE

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OREGON:

Section 1. No Oregon taxpayer shall be required to pay to the state, a local government, or other taxing district, income taxes on money paid to the federal government as federal income taxes. All federal income taxes paid against a taxpayer's federal income tax obligation for tax years beginning on or after January 1, 2000, shall be fully deductible against income on the taxpayer's Oregon income tax return for the year in which the taxes were paid. This section applies only to federal income taxes on income subject to tax in Oregon.

Section 2. This Act supersedes any Oregon law with which it conflicts.

Section 3. If any phrase, clause, or part of this Act is determined to be invalid by a court of competent jurisdiction, the remaining phrases, clauses and parts shall remain in full force and effect.

91

# Measure No. 91 Arguments

## ARGUMENT IN FAVOR

**Four compelling reasons why common sense Oregonians should vote "YES" on Measure 91**

1) Double taxation is wrong. Plain and simple. **No one should be forced to pay income taxes on their income taxes.** Currently, Oregon taxpayers can only deduct \$3,000 of their federal income taxes on their state tax returns. Everything over \$3,000 is double taxed by the state of Oregon. Even the federal government does not levy income taxes on our income taxes, but allows us to deduct all our state income taxes on our federal tax returns. The Oregon legislature, however, raises hundreds of millions of dollars every year double taxing our incomes.

2) The timing of Measure 91 is perfect. For the last decade, state spending has been growing at about four times the rate of inflation. State spending is growing much faster than our incomes. **In fact the current budget grew so much this cycle that, if Measure 91 passes, the state budget for this biennium will still be hundreds of millions of dollars greater than the last budget.** Measure 91 would not actually reduce state spending, but only slow the rate at which it is growing.

3) Oregonians have already voted on this issue three times. Each time, voters voted overwhelmingly to make federal income taxes fully deductible on their state income tax returns. So why is there currently a \$3,000 cap? Because the state legislature decided to overrule the voters and impose a cap anyway because they wanted to increase state revenue. **In fact, the legislature imposed the cap only a few months after the people last voted not to have a cap.** Measure 91 sends a clear message to the state legislature. Don't ignore the clearly expressed will of the people! It places a prohibition against double taxation in the state Constitution where the legislature can't overrule the will of the people.

Don't be fooled by the other side's scare tactics.

**Vote "YES" on Measure 91.**

*(This information furnished by Bill Sizemore.)*

*(This space purchased for \$500 in accordance with ORS 251.255.)*

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## ARGUMENT IN FAVOR

**CONGRATULATIONS! YOU'RE RICH!**

If you're like most working and retired Oregonians, the news that you're rich may come as quite a surprise. Looking at your bank account, you probably had no idea that you are one of those "rich" people, who will benefit from Measure 91.

How do Measure 91's opponents justify calling so many everyday people rich? Easy. They call pretty much everybody with a paycheck "rich." Truth is, hundreds of thousands of individuals and couples with taxable incomes exceeding \$20,000 will receive a tax break under Measure 91. Since when does a \$21,000 taxable income make you rich?

**IT'S EASY TO CALCULATE HOW MUCH YOU'LL SAVE**

Opponents are saying that the Measure 91 tax break will be tiny. See for yourself. Total the amount of federal income taxes you and, if applicable, your spouse pay. Your savings under Measure 91 equals nine percent of all your federal income taxes above the \$3,000 you can currently deduct. Do the math and you'll see. Double taxation is taking quite a bite out of your income, isn't it?

**THE POLITICS OF ENVY**

Tax and spenders decided they needed a new strategy for fighting tax cutting measures. Voters are no longer fooled by the old "sky is falling" rhetoric of the past. Fear isn't working anymore, so they are trying envy.

**The goal of this new "envy strategy" is to pit groups of taxpayers against each other - to persuade each voter to reject his or her own tax cut because someone else, who is paying more taxes, might get a larger tax break.**

Don't be fooled. At a time when the state has more money than at any time in our history, and can easily afford a tax cut, Measure 91 will permanently remove the artificial limit the legislature has placed on the deductibility of federal income taxes, and end the evil of double taxation. And you don't have to be rich to benefit from that.

*(This information furnished by Tony Nathalia.)*

*(This space purchased for \$500 in accordance with ORS 251.255.)*

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# Measure No. 91 Arguments

## ARGUMENT IN FAVOR

### **MEASURE 91 IS NOT RETROACTIVE**

Opponents of Measure 91 are saying that ending double taxation is a good idea, but doing it retroactively will be too tough for the state to handle.

**However, Measure 91 is not retroactive.**

In February of this year, the U.S. Supreme Court officially decided that federal income taxes are considered "paid" on the due date of the tax return for that year. Regardless of when the tax was withheld from your paycheck, or when you sent in your estimated tax payment to the IRS, it is not considered "paid" until the due date of the return.

Measure 91 says that you may deduct all of your federal income taxes on your state income tax return. **This deduction may be taken for the year in which the taxes were paid.**

So, if you pay taxes through withholding, your 2000 taxes will be considered "paid" on April 15, 2001. You will have "paid" them in 2001. You will, then, under Measure 91, be able to deduct those taxes for the year in which they were paid, which was 2001. You will deduct them on your 2001 tax return when it is due on April 15, 2002.

Had the Supreme Court not officially stated that taxes were "paid" on the date they are due, Measure 91 would still not be retroactive because tax returns for the year 2000 aren't even due until five months after the election.

On your 2000 state tax return, you will be able to deduct up to \$3,000 of your federal taxes, as the law currently allows. Under Measure 91, federal income taxes for the year 2000 will be fully deductible on your 2001 tax return.

*(This information furnished by Becky Miller, Oregon Taxpayers United.)*

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## ARGUMENT IN FAVOR

### **MEASURE 91 DOES NOT ELIMINATE THE KICKER**

Opponents of Measure 91 have falsely claimed that the measure would eliminate the kicker, the income tax refund taxpayers receive if state income tax revenue exceeds projections. Their claims are on one hand laughable, and on the other hand patently false.

**If Measure 91 affects the kicker at all, it would only be because taxpayers would receive, instead of the kicker, an income tax break about four times as large as the kicker.**

That's why claiming that Measure 91 would eliminate the kicker is laughable. Opponents of Measure 91 are really saying: Taxpayers won't receive the kicker income tax cut because they will receive instead a tax cut four times as big as the kicker. The question is, therefore, this year do taxpayers want the kicker or a tax break four times as large as the kicker?

In subsequent years, Measure 91 would not affect the kicker at all. Here's why: Projections of revenue coming into the state are calculated based on a set of economic assumptions. If Measure 91 passes, its requirement that federal income taxes be fully deductible for all Oregon taxpayers would simply be one of those assumptions. Therefore, the kicker would be triggered in future years just like it currently is.

**The hypocritical thing about claims that Measure 91 will eliminate the kicker is that they are primarily coming from those groups that lobby hardest for the legislature to not return the kicker to the taxpayers, but to keep it and spend it.**

Don't be fooled. Claims that Measure 91 will eliminate the kicker are designed to scare uninformed voters. The kicker will not go away if Measure 91 passes. In fact, the sponsors of Measure 91 have worked hard to insure that kicker refunds are always returned to the taxpayers.

**If Measure 91 passes, federal income taxes will be fully deductible and the kicker will remain in place for future years!**

*(This information furnished by Leesa Beaudoin.)*

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# Measure No. 91 Arguments

## ARGUMENT IN FAVOR

### WHOSE AGAINST MEASURE 91?

When sorting through all that campaign literature and evaluating all those TV and radio ads, sometimes it's helpful to consider the source of the information. Sometimes, it's quite revealing to discover whose paying for all those very expensive ads.

Measure 91 is no exception. A lot of money is being spent to persuade Oregonians that they should continue to allow the state legislature to double tax their incomes. Where's that money coming from?

Here's your answer: **Public employee unions, government regulated utilities, and very large corporations are all throwing big money into the anti-Measure 91 pot.**

Predictably, the public employee unions are major opponents of Measure 91. Public employee unions have a vested interest in higher taxes. The more taxes everyone else pays, the more money they have to divide among their members.

PGE also donated big bucks to the campaign to defeat Measure 91. PGE is a government regulated utility, and therefore must be very careful to not tick off the government. **PGE management routinely joins the big government coalition to oppose tax cuts for PGE customers.** It's not like you're going to get mad and buy your electricity somewhere else.

Huge corporations like INTEL have donated tens of thousands of dollars to the campaign opposing Measure 91. Yes, this is the same INTEL that demanded a huge tax break for itself, tens of millions of dollars, in fact, to build a plant here in Oregon. INTEL has quite the gall. **INTEL demands a huge multi-million dollar corporate tax break for itself, then opposes a tax break for everyday working Oregonians.**

It's interesting to note that very few individuals and very few small businesses contributed money to the campaign against Measure 91. Mostly public employee unions and large corporations.

**On the other hand, thousands of everyday people and small businesses contributed money to the campaign to pass Measure 91 and end double taxation.** Makes you wonder, doesn't it?

*(This information furnished by Mary Nathalia.)*

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## ARGUMENT IN FAVOR

**“And he will take the tenth of your seed, and of your vineyards, and give to his officers, and to his servants...And you shall cry out in that day because of your king which you shall have chosen you; and the LORD will not hear you in that day.”** (1 Sam. 8:15-18)

Since the federal income tax was initiated in 1913, the percentage of our income that goes to taxes has gone from roughly 10 percent (which it was for decades) to around 45 or 50 percent. Some of this increase seems justified by the increase in population density, and resultant increased administration costs of urban areas. But most of this increase is because civil government now performs many functions once delegated to families, local communities, churches, and voluntary associations.

The Bible is the standard by which all men's actions must be properly evaluated and governed. This standard tells us that civil government's job is to restrain certain sins by punishing evildoers (Rom. 13:4) and to praise the righteous (2 Pet. 2:14). Some taxation is necessary for the various layers of civil government to do these jobs. But the Bible describes a government that takes more than 10% of the people's income in taxation as oppressive and tyrannical (see above quote).

Two things will happen as taxes are lowered. First, the population will have more money to do the tasks it should not have given over to the State. These tasks include most education, health care and welfare. Second, the State will no longer be able to afford to do those tasks. It's a win-win scenario, and that's why we support Measure 91.

A man once said that giving money and power to politicians is like giving whiskey and car keys to teenage boys. Its time to put these boys on the wagon.

Prepared by the **Parents** Education Association, a family-based, Biblical alternative to the National Education Association.

*(This information furnished by Dennis R. Tuuri, Parents Education Association.)*

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# Measure No. 91 Arguments

## ARGUMENT IN OPPOSITION

### VOTE NO ON MEASURE 91!

According to Measure 91's Fiscal Impact Statement....

"The measure may result in a reduction of state-shared revenues to local governments."

### WHAT FUNDS MAY BE LOST?

- **RURAL FIRE PROTECTION & EMERGENCY MEDICAL SERVICE** providers are currently eligible to receive state grants for the purchase of emergency medical equipment such as Jaws of Life, ambulances, defibrillators and training for emergency services personnel.
- **9-1-1 EMERGENCY COMMUNICATIONS** currently receive state funds to ensure the operation of a statewide 9-1-1 system. Statewide 56 primary public safety answering points rely on this state funding to provide 9-1-1 service.
- **RURAL HEALTH DISTRICTS** that operate hospitals in rural communities currently receive state cost based reimbursement for Medicaid clients.
- **TRANSPORTATION FOR SENIORS AND PERSONS WITH DISABILITIES** to medical appointments and grocery stores.
- **LIBRARIES** currently receive state grants to establish, develop or improve public library services for children; 117 out of 124 libraries applied for grants in 1999-2000, and 109 grants were awarded.
- **WATER & SEWER** providers currently receive state grants to construct public infrastructure such as water treatment, storage and distribution, and wastewater collection.

**DON'T TAKE THE RISK THAT STATE BUDGET CUTS WON'T TRICKLE DOWN TO LOCAL GOVERNMENT PROGRAMS!**

### VOTE NO ON MEASURE 91!

*(This information furnished by Greg Baker, Executive Director, Special Districts Association of Oregon.)*

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## ARGUMENT IN OPPOSITION

At our clinic we take care of over 8000 patients, nearly 6000 of whom have no health insurance. Many of the other 2000 patients are covered by the Oregon Health Plan. We are one of ten so-called "safety net clinics" in Oregon (technically "Federally Qualified Community Health Centers"). These clinics do their very best to stay in business and thereby serve many of the roughly 400,000 Oregonians who have NO coverage. WE ARE NOT A FREE CLINIC. Every patient is expected to pay what they can, and our patient revenue is a substantial part of our over-all budget.

But without public funding we would not be able to help the folks, mostly women and children, who have the most need.

Those public dollars include federal and state health care funds. A significant portion of the federal funding depends on matching state dollars, usually one state dollar for three federal dollars.

My concern is that if Oregon voters pass Measure 91, a considerable amount of our funding will be lost including substantial federal matching dollars. Since our clinic has already stretched private funding sources, where do we go to continue operating? What kind of cutbacks will we face? Do we discontinue prenatal care? Do we drop our diabetes treatment program? Do we just close the doors earlier each day? **One sure thing**, those cutbacks will be substantial. And that will happen at the very time when health care costs are again going up dramatically!

Please consider all the ramifications of this measure when you vote.

Marcus Simantel, Board Chair  
Virginia Garcia Memorial Health Center, Cornelius, OR

*(This information furnished by Marcus Simantel, Virginia Garcia Memorial Health Center.)*

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# Measure No. 91 Arguments

## ARGUMENT IN OPPOSITION

**Associated Oregon Industries,  
representing 19,000 businesses, urges a  
NO vote on Ballot Measure 91.**

Associated Oregon Industries has lived by a set of Guiding Principles for nearly one hundred and six years. One of these Principles is:

"To promote the health of Oregon's economy and business community by keeping taxes low and simple."

We believe that people work harder and invest more when they can retain a larger portion of what they earn. We believe government should promote work; savings and private investment; and stable, sensible policies to facilitate the efficient exchange of goods and services.

Knowing this one might ask why we oppose Measure 91. The answer is easy. This measure, while appealing, goes too far.

Here's why:

- We believe the 18% cut in programs such as K-12, higher education and the Oregon Health Plan will damage Oregon's economy.
- We believe the elimination of \$1.5 billion from the State's General Fund will destabilize the State and damage the quality of life we enjoy.
- We believe the fiscal uncertainty and economic instability created by this measure is poor tax policy.
- We believe Measure 91 will make it more difficult for entrepreneurs to take risks and create jobs and wealth.

Measure 91 may be appealing. But it goes too far.

Good tax policy promotes balance between livability and livelihood.

Say NO to economic instability.

Say NO to fiscal uncertainty.

**Say NO to Measure 91!**

*(This information furnished by Richard M. Butrick, Associated Oregon Industries.)*

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## ARGUMENT IN OPPOSITION

Dear Friend,

As members of the Explanatory Statement Committee for Measure 91, we cast dissenting votes against the statement selected for the Voter's Pamphlet because the facts you need to know were excluded.

These facts include the following:

- **New Corporate Deduction:** the measure creates a new deduction for corporations that reduces corporate income tax by a third;
- **Retroactive:** the measure is designed to be retroactive, requiring dramatic service cuts over a few months to balance 18 months of revenue cuts;
- **Regressive:** the measure makes Oregon's tax system more regressive: a family of four earning \$50,000 saves 18 cents a day; a similar family earning \$200,000 saves \$10.47 a day. Also, in the first year families earning \$50,000 or less actually pay higher taxes because they lose the "kicker" refund. (Source: *The Oregonian*).
- **Uncle Sam gains at Oregon's expense:** Because Oregon taxes are deductible on a federal return, Oregonians will pay more in federal taxes under this measure.
- **Oregon is already a low-tax state:** It surprised us and might surprise you to learn that Oregon's per capita state tax burden (from all sources) is one of the lowest in the country and is lower than in adjoining states. Oregon ranks 38th, Washington 8th, California 9th, and Idaho 24th. (Source: the nonpartisan, nonprofit Tax Foundation)
- **Huge Service Cuts:** This measure cuts about a billion dollars per year from the State's General Fund. This necessitates huge cuts in K-12 education, health care, transportation and public safety programs that comprise the bulk of the General Fund. With this measure, the state's per capita revenue would drop to 48th in the nation, down in the ditch with low-service states like Louisiana, Texas, South Dakota, and New Hampshire.

If you, like us, value a state with quality public schools, parks, good roads and safe communities, please join us to defeat this measure.

Sincerely,

Representative Jeff Merkley and Senator Verne Duncan

**Vote "No" on Measure 91**

*(This information furnished by Sen. Verne Duncan, Rep. Jeff Merkley.)*

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# Measure No. 91 Arguments

## ARGUMENT IN OPPOSITION

### Measure 91 is a Threat to Oregon's Public Higher Education

The signers of this statement are teachers in the Oregon University System. We work hard to help Oregonians to a future that is richer culturally and economically and that contributes to the well-being of all Oregonians.

For the past twenty years, our work has been made harder - first by recession and then by tax-cut measures.

- Students and their families have had to pay much higher tuition, so that access to higher education has been made more difficult for working- and middle-class families.
- Low salaries have made it harder to attract and retain the best scholars and teachers.
- Buildings and facilities have deteriorated because of a lack of money to maintain them.

At last, in 1999, the Legislature passed and the Governor approved a budget to repair the damage of Measures 5 and 47. However, Measure 91 threatens to damage Oregon's public universities far beyond anything we have seen before.

Access to higher education is critical to Oregon and its citizens. Higher education is vital to the state's economy. Although Oregonians spend less through taxes on public higher education than the citizens of eight out of ten states do, Oregonians have inherited a system well worth preserving and developing. But that will not be possible if Measure 91 passes.

In the interests of the future of the state, we urge a NO vote on Measure 91.

Colleen F. Johnson, Professor of Economics, Eastern Oregon University\*

Maureen Sevigny, Associate Professor of Management, Oregon Institute of Technology\*

Ann B. Tedards, Associate Professor of Music, the University of Oregon\*

Gary H. Tiedeman, Professor of Sociology, Oregon State University,\* President, Interinstitutional Faculty Senate\*

Robert S. Turner, Associate Professor of Biology, Western Oregon University\*

Craig Wollner, Professor of Social Science, Portland State University\*

\*Institutions are named for identification purposes only and do not represent positions on the measure by the institutions.

This statement was paid for by the signers.

*(This information furnished by Colleen F. Johnson, Maureen Sevigny, Gary H. Tiedeman, Ann B. Tedards, Associate Professor of Music, University of Oregon, Robert S. Turner, Jr., Craig Wollner, Professor, Social Science; Professors United to Save Higher Education.)*

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## ARGUMENT IN OPPOSITION

The Coalition of Oregon Adoption Agencies (COAA) is comprised of 24 licensed adoption agencies, many of whom assist in the placement of Oregon's special needs children. COAA is extremely concerned that if Measure 91 passes there would be devastating effects for Oregon's children. Presently there are more children in the foster care and adoption systems than current funding can adequately serve. There are 6500 children in foster care on any given day in Oregon. This measure would severely cut crucial funding for caseworkers resulting in children languishing in foster care rather than finding permanent homes. Abused and neglected children must go through the court system before they can safely return home or move onto another family.

Research shows that children have a better chance of succeeding and avoiding the juvenile or mental health systems when they are expediently placed into a loving, permanent home. Last year 922 Special Needs children were placed into adoptive homes. It is well known that preventative services cost taxpayers less in the long run. This process of insuring children's safety requires many resources, including expertise, time and money.

Another area impacted by Measure 91 is services for foster and adoptive families. With the increasing number of children in foster care, Oregon must consider foster and adoptive families as precious resources. In order for an adoptive placement to be successful, families require education, training, support and supervision. With decreased funding, these services will be significantly reduced. The result will be fewer families, less-prepared families, and more failed adoptions. Oregon families wanting to become foster or adoptive parents will endure delays and increased frustrations in trying to achieve the goal of bringing children into their home. Ultimately this further hurts Oregon's children.

- Oregon's foster and adoptive families need our continued support.
- Oregon's abused and neglected children have suffered enough, let's not let them down. They deserve the best we can offer.
- Measure 91 Hurts Children...please Vote NO!

*(This information furnished by Kathie Stocker, Co-President, Coalition of Oregon Adoption Agencies (COAA).)*

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# Measure No. 91 Arguments

## ARGUMENT IN OPPOSITION

Commissioner Sorenson Urges a No Vote on Measure #91

Dear Oregon Voter,

My name is Peter Sorenson and I live in Eugene. I'm an elected Lane County Commissioner and former elected Oregon State Senator. I also served as an elected volunteer board member and Chair of the Board of Education at Lane Community College. My two children attend Eugene public schools.

When I was in the Legislature, I served on the Education Committee, which has jurisdiction over schools, colleges and universities.

**Measure 91 would be a wrecking ball on Oregon's public schools.**

This proposal would shift dollars from Salem to Washington DC.

For individuals who itemize their deductions, any increased state income tax refund which might result from Measure 91 may be taxable as income for federal taxes. As a result, our investment in government would move away from Oregon. This would devastate schools and do nothing to help family or personal income.

This Bill Sizemore proposal is a regressive income tax. The figures speak for themselves.

Who loses:

With a family of four and an income of \$30,000, your combined taxes would increase by \$72.

With an income of \$50,000 and a family of four, your combined taxes would increase by \$86.

Who benefits:

With a family of four and an income of \$100,000 per year, combined federal and state taxes would be cut \$797.

A family of four with an income of \$200,000 per year, would get a combined tax cut of \$1627.

This measure is complicated. If you'd like more information, I want to personally invite you to contact me at 541-485-6726, [sorenson@efn.org](mailto:sorenson@efn.org), or P.O. Box 10836, Eugene, Oregon 97440.

Thanks,

Peter Sorenson

This is the most recent of a long list of bad legislation favored by special interests. IT MUST BE DEFEATED.

*(This information furnished by Peter Sorenson.)*

*(This space purchased for \$500 in accordance with ORS 251.255.)*

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## ARGUMENT IN OPPOSITION

**Most Oregon taxpayers get no benefit from Measure 91!**

According to the calculations of the legislative revenue office, most Oregon taxpayers will receive zero reduction in their state taxes from Measure 91.

Based on Measure 91's original intention and its likely interpretation, it will actually raise the taxes of most Oregonians in its first year! Here is what would happen for the average Oregon family of 4:

YEARLY INCOME	TAX IMPACT
\$20,000	\$25 tax increase
\$30,000	\$72 tax increase
\$50,000	\$86 tax increase

SOURCE: *The Oregonian*, July 23, 2000

After the first year, here is how it would work for the average family of 4:

YEARLY INCOME	YEARLY TAX "SAVINGS"
\$20,000	\$0
\$30,000	\$0
\$40,000	\$0
\$47,000	\$24
\$50,000	\$65
\$100,000	\$1,175
\$200,000	\$3,820
\$500,000	\$13,625

SOURCE: LEGISLATIVE REVENUE OFFICE

And if you own your own home and deduct your mortgage interest, you would get even less!

But even though most Oregon taxpayers will see no benefit, it will cut over \$2 billion from Oregon's General Fund every two-year budget cycle. That will translate into an approximate 20% cut in things that all Oregonian count on and care about, such as:

- K-12 public schools
- Health care
- Public safety
- Services for seniors and disabled
- Public colleges and universities

**Measure 91 is unfair to Oregon's middle class, and will have a serious impact on the future of our state and communities.**

**Vote NO on Measure 91!  
Too Little Benefit. Too Great a Cost.**

[www.ouregon.org](http://www.ouregon.org)

*(This information furnished by Shannon Floyd, The Committee for Our Oregon.)*

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# Measure No. 91 Arguments

## ARGUMENT IN OPPOSITION

### The League of Women Voters of Oregon Urges a No Vote on Measure 91

The League of Women Voters of Oregon is a grassroots, nonpartisan organization which encourages the informed and active participation of citizens in government. Since 1920, the League has worked to inform voters, improve our political process and strengthen our Democracy.

### Unfair to Most Taxpayers, Who Would Get No Benefit

Measure 91 is a change in Oregon's tax system that is unfair to the vast majority of Oregon's taxpayers. It would reduce resources to the state by over \$1 billion every year, yet most Oregon taxpayers would receive nothing in tax reductions. The bulk of the benefit is at the highest income levels. In fact, this measure may even increase taxes for many middle and lower income taxpayers. This violates the most basic value of our tax system: fairness to the average Oregonian.

### Harming Services All Oregonians Count On

Measure 91 would force an approximate 20% reduction in Oregon's General Fund. Public schools and higher education, health care, services such as those for the elderly and disabled and public safety makes up 96% of the General Fund. This extreme and sudden cut severely impacts services Oregonians count on for the future of our state, our economy and our citizens.

### Damaging Oregon's Constitution

A basic mission of the League of Women Voters is to defend the constitution, the basic framework of our democracy. Measure 91 would amend our Constitution, placing in it a measure that is not only poor public policy, but one that is poorly drafted, confusing and unclear in its effect.

### Please Join the Oregon League of Women Voters in Voting NO on 91

*(This information furnished by Paula Krane, President, League of Women Voters of Oregon.)*

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## ARGUMENT IN OPPOSITION

### Organizations In Every Part of Oregon, From Every Walk of Life, Have Joined Together to Say:

### VOTE NO ON MEASURE 91

### This is a small sample of those who have joined in opposition to Measure 91:

- League of Women Voters of Oregon
- Eugene Area Chamber of Commerce
- Oregon Catholic Conference
- Senator Ron Wyden
- University of Oregon Alumni Association
- Christian Church (Disciples of Christ)
- Roseburg Police Employees Association
- Bend Chamber of Commerce
- Reverend William R. Ellis, Jr.
- Eugene Police Employee's Association
- Jewish Federation of Portland Community Relations Committee
- Oregon Education Association
- Portland Gray Panthers
- Children First for Oregon
- Oregon Consumer League
- Tigard United Methodist Church
- The American Jewish Committee, Oregon Chapter
- Coalition for School Funding Now
- Oregon Health Care Association
- Oregon Farm Bureau Federation
- Oregon AFL-CIO
- Rabbi Daniel Isaak
- Oregon School Boards Association
- Confederation of Oregon School Administrators
- Oregon Public Employees Union, SEIU Local 503
- Alzheimer's Association, Oregon Trail Chapter
- Oregon Council of Police Associations
- Oregon State Police Officers' Association
- Oregon Building Officials Association
- Oregon Council, American Electronics Association
- Human Services Coalition of Oregon
- Oregon Advocacy Coalition of Seniors and People With Disabilities
- United Seniors of Oregon
- Oregon AFSCME Council 75
- Oregonians for Public Safety
- Oregon State Fire Fighters Council

### Too Little Benefit. Too Great a Cost. Vote NO on Measure 91

[www.ouregon.org](http://www.ouregon.org)

*(This information furnished by Shannon Floyd, The Committee for Our Oregon.)*

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# Measure No. 91 Arguments

## ARGUMENT IN OPPOSITION

### OREGON BUSINESS AND LABOR AGREE: MEASURE 91 IS BAD FOR ALL OREGON!

Many might think it unusual to see leaders of the business community and organized labor joining together in Oregon's Voters Pamphlet. But while there are issues we may differ on, we are united in opposing Measure 91 as a bad deal for all of Oregon.

Measure 91 sounds simple. When you look a little deeper, however, it becomes clear that this is unfair and damaging to business and working people alike.

**As tax relief, it leaves out most Oregon taxpayers, especially the middle class. In fact, most Oregon taxpayers get nothing at all.**

That's not fair to our members and our employees – the working families of Oregon.

**Measure 91 is also bad for Oregon business.** To succeed, compete and provide Oregonians with good jobs, businesses large and small depend on a strong education system, safe communities, a strong health care system and a state that functions well. The 20% reduction in funding forced by Measure 91 would mean unavoidable harm to those critical services, to our state and our future.

**Hurting Oregon's ability to do business hurts all of us.  
And that's just what Measure 91 would do.**

Perhaps seeing who has joined together to sign this statement surprises you. But with its unintended consequences and hidden unfairness, that is nothing compared to the unpleasant surprise you will get if Measure 91 passes.

**Please join Oregon's businesses and  
Oregon's hardworking families:  
VOTE NO ON 91**

Mike Salsgiver  
INTEL

Tim Nesbitt  
Oregon AFL-CIO

Harold Pollin  
Portland Airport Sheraton

Nancy Padilla  
Oregon Public Employees Union

Bob Shiprack  
Oregon State Building and  
Construction Trades

*(This information furnished by Nancy Padilla, Oregon Public Employees Union, SEIU Local 503; Michael Salsgiver; Harold Pollin; Tim Nesbitt, Oregon AFL-CIO; Bob Shiprack, Oregon State Building and Construction Trades.)*

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## ARGUMENT IN OPPOSITION

AN URGENT MESSAGE FROM OREGON'S ENTIRE SCHOOL COMMUNITY

**So many work hard for good schools.**

- Students
- Parents
- School Board members
- Seniors who volunteer
- Teachers
- Educational support employees

**And all of us have a stake in them.**

- Businesses who count on schools for a strong economy
- Neighborhoods that count on schools for healthy communities
- Oregonians who count on schools as the most critical element of a successful future.

Oregon's public schools have endured a difficult decade. For some, there is finally the prospect of progress.

But Measure 91 will stop our schools dead in their tracks. With a 20% cut in state funding, there is no way to avoid it. Larger class sizes. Outdated books. Lost programs like art and music. Lost opportunities for every student in Oregon.

**And all for a Measure that offers not a penny  
to most taxpayers.**

Oregon's school community is made up of very different groups. But every one of them want you to know that Measure 91 is unfair, and will strike a harsh blow to our schools, our kids and our future. And that's not in anyone's best interest.

**VOTE NO ON 91**

Coalition for School Funding Now!

Oregon Education Association

Confederation of Oregon School Administrators

Oregon School Boards Association

Oregon School Employees Association

American Federation of Teachers

*(This information furnished by John Marshall, Oregon School Boards Association; James K. Sager, Oregon Education Association; Debbi Covert, President, American Federation of Teachers-Oregon; Carol Turner, Coalition for School Funding Now!; Ozzie Rose, Confederation of Oregon School Administrators; Ed Edwards, Oregon School Employees Association.)*

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# Measure No. 91 Arguments

## ARGUMENT IN OPPOSITION

### Newspapers throughout Oregon Talk About Measure 91

"According to calculations by the Legislative Fiscal Office, the measure would cut about \$2 billion out of the projected \$11 billion general fund for 2001-2003. Figuring inflation, that would leave the state 22 percent below what it needs to support today's services. Which 22% of Oregon's teachers and troopers don't you like?"

**The Sunday Oregonian, 8/27/2000**

"The worst of the lot would cut state revenue by about \$1 billion a year by making federal taxes fully deductible on Oregon income tax returns. The current limit for federal deductibility on Oregon returns is \$3,000. Eliminating that limit, as Measure 91 proposes will primarily benefit the wealthy; more than half of all Oregonians already deduct less than the \$3,000 cap."

**Eugene Register Guard, 7/23/2000**

"This regressive measure is a bad deal for a majority of Oregonians. That much is clear. But the wording of the initiative itself is vague...The one certainty is this measure would make a mess of budgets and Oregon's progressive tax system."

**Salem Statesman Journal, 8/4/2000**

"The Bill Sizemore tax measure would put the state, especially education, in serious financial trouble."

**Grants Pass Daily Courier, 7/20/2000**

"If it passes, the courts, not Sizemore, will decide what the measure says. And what it says is not clear. That is no way to write tax law."

**Russell Sadler, Medford Mail Tribune, 8/6/2000**

"Maybe the passage of this measure wouldn't make the sky fall. But it would definitely cause the Oregon sky -- and the Oregon quality of life and opportunity and fairness -- to drop a lot lower."

**The Sunday Oregonian, August 27, 2000**

[www.ouroregon.org](http://www.ouroregon.org)

*(This information furnished by Shannon Floyd, The Committee for Our Oregon.)*

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## ARGUMENT IN OPPOSITION

### **MEASURE 91: UNFAIR TO OREGON'S SENIORS**

#### **Measure 91 Leaves Oregon's Seniors Behind**

Many Oregon seniors -- especially those on fixed incomes -- are concerned about taxes. But the tax "cut" in Measure 91 provides **LITTLE OR NO** financial relief to these seniors. The way Measure 91 works leaves most seniors out, while giving billions in tax breaks to those making over \$100,000 a year and corporations.

**In fact, in it's first year Measure 91 could actually RAISE the total tax bill for many seniors!**

#### **Measure 91 Threatens Things Oregon's Seniors Count On**

Measure 91 means over \$2 billion in cuts to Oregon's General Fund every budget cycle. This will include services such as:

- Health care and the Oregon Health Plan
- Programs like Project Independence, which help seniors stay in their homes instead of having to enter nursing homes
- Public safety programs

Oregon seniors are the foundation of our society. These men and women have worked hard their entire lives to provide for their families and communities. The last thing they need is a measure that is so unfair to them.

**United Seniors of Oregon  
Oregon State Council of Senior Citizens  
Portland Gray Panthers  
Oregon Advocacy Coalition of Seniors and  
People with Disabilities  
And the Alzheimer Association, Oregon Trail Chapter  
All Urge:  
Vote No on Measure 91**

*(This information furnished by Jim Davis, Oregon Advocacy Coalition of Seniors and People with Disabilities, Alzheimer Assoc., Oregon Trail Chapter, Oregon State Council of Senior Citizens, United Seniors of Oregon, Portland Gray Panthers.)*

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# Measure No. 91 Arguments

## ARGUMENT IN OPPOSITION

**United States Senator Ron Wyden Urges Oregonians to Vote NO on Measure 91**

To the People of Oregon:

We share basic values. A strong work ethic. A fair shake for all, and not just the privileged few. Respect for the elderly who have done much to make Oregon special.

**My support for these values is behind this request to join me in voting NO on Measure 91.**

I know that Measure 91 sounds attractive, but I believe it's just not fair to Oregon's hard-working middle class families and seniors.

As far as I can tell, most Oregon taxpayers will see very little tax benefit from Measure 91. That's not my idea of tax reform. It is just the same old political shell game that Oregonians are tired of.

What we definitely know about Measure 91 is that it will significantly reduce critically needed funds for public safety, schools, and more affordable health care. There is no program that cannot be made more efficient, but these cuts go way beyond trimming fat.

Having devoted much of my life to working on behalf of older Americans, I am particularly disturbed by the impact of Measure 91 on the elderly. Seniors on a fixed income get little tax relief under Measure 91, but this measure will cut needed services like Project Independence that keep seniors out of nursing homes.

**My bottom line on Measure 91: It offers little benefit at too great a cost.**

**Please join me in voting NO on Measure 91**

*(This information furnished by Senator Ron Wyden.)*

*(This space purchased for \$500 in accordance with ORS 251.255.)*

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## ARGUMENT IN OPPOSITION

**A MESSAGE FROM THE OREGON PTA  
PLEASE VOTE NO ON MEASURE 91!**

How much do we value our children's future?

**Is it worth nothing?**

If this measure passed, that's what most Oregon taxpayers will get. Nothing.

**Is it worth \$24 a year?**

If this measure passed, that's what a family of 4 making \$47,000 will get. \$24.

**That is what Oregon's middle class will get from Measure 91. Little or nothing.**

Is that worth what Measure 91 will cost?

Measure 91 could mean hundreds of millions in cuts to in the current school year, and a \$2 billion cut in the next state budget. That's about 20%.

Is little or nothing to most Oregon taxpayers worth schools opening next fall with an increase in size of three to four children? Is it worth the loss of school counselors? Is it worth your school district being unable to afford to make necessary repairs to school buildings? Is it worth schools having to close earlier in the year?

Is it worth putting thousands of children in Oregon at risk of losing their health care benefits? Is it worth reducing protection for children in abusive homes?

The Oregon PTA is dedicated to helping our schools, working for our children and protecting Oregon's future. We believe that Measure 91 is not worth it. We hope you agree.

**Vote no on Measure 91**  
Little benefit. Too great a cost.

Kathryn Firestone, President  
Lisa Laursen Thirkill, Vice President for Legislation  
The Oregon PTA

*(This information furnished by Kathryn Firestone, President, Lisa Laursen Thirkill, VP Legislation; Oregon Congress of Parents and Teachers.)*

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# Measure No. 91 Arguments

## ARGUMENT IN OPPOSITION

### BUSINESSES THROUGHOUT OREGON OPPOSE MEASURE 91

What is your vision of a successful Oregon future?

Whatever that vision is, it is a successful economy that enables us to achieve it.

All businesses -- large and small, big city and small town -- depend on a number of things if Oregon is to prosper:

- A well-trained workforce;
- Healthy, safe communities;
- A business environment that attracts investment, talent and customers.

Measure 91 threatens those things. It is a risky cut to vital services that will damage our economic future. It is also unclear: there are unanswered questions of when the measure will actually be effective, and whom its provisions will cover. A yes vote would place a measure filled with unintended consequences into our Constitution.

That is why businesses throughout Oregon urge you to vote NO on Measure 91.

**Bad for business. Bad for Oregon  
VOTE NO on 91**

**Associated Oregon Industries**

**Bend Chamber of Commerce**

**Eugene Area Chamber of Commerce**

*(This information furnished by Terry S. Connolly, Eugene Area Chamber of Commerce; Gary Peters, Bend Chamber of Commerce; Richard Butrick, Associated Oregon Industries.)*

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## ARGUMENT IN OPPOSITION

### THE OREGON HUMAN SERVICES COALITION OPPOSES MEASURE 91

#### Measure 91: A Terrible Deal for Oregon

Measure 91 is a bad deal for all of us. It does little or nothing for middle-class Oregonians. Almost all of the benefits of this increased tax deduction go to the wealthy or to corporations. Yet all Oregonians will feel the effects, with significant impacts on services, like education, that all Oregonians depend on.

#### But some will feel the effects even more than others.

If cuts were made across the board, it would mean a cut of about 20% in "human services." What are "human services"? Here are some examples:

- Helping seniors lead independent lives through programs like Project Independence, Meals on Wheels, and in-home care.
- Investigating reports of child abuse and neglect, and, when necessary, placing children in foster care -- or helping them find adoptive homes.
- Providing health insurance to 330,000 children, seniors, pregnant women, and working families at or near the poverty line.

Would Measure 91 mean the end of the world? No, it wouldn't.

**But it would mean a lot to over 80,000 people who would lose health care coverage; to over 12,000 seniors and people with disabilities who would lose assistance; to children who need the hundreds of child protective workers who would be laid off; and to foster parents whose already low reimbursement payments would be cut.**

That's a high price to pay for a measure that gives no tax cut to most Oregon taxpayers.

#### **Oregon's Human Services Coalition Urges You to Vote "NO" on Measure 91.**

*(This information furnished by Gina Mattioda, co-chair of HSCO.)*

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# Measure No. 91 Arguments

## ARGUMENT IN OPPOSITION

**Should Middle and Lower Income Oregonians  
Pay a Higher Tax Rate than the Wealthy?  
That's Just What Measure 91 Would Do!**

**By Jim Edelson, Licensed Tax Preparer  
and Small Businessman**

As a small business person and a middle class Oregonian, I am like most of my neighbors: when it comes to taxes, I am willing to pay my fair share. But I want to make sure that it is fair.

I am also a licensed tax preparer, so I took a close look at Measure 91 to see if it was a good deal for me, and if it was a good deal for the average Oregonian. And it isn't – not even close.

Because of the way it works, Measure 91 would mean that middle and lower income Oregon taxpayers would be taxed at an effective rate that is higher than those Oregonians making the most money. The "official" tax rate for people making more than \$11,800 is 9%. But most Oregon taxpayers will get no tax reduction. And because higher income taxpayers get huge tax reductions from Measure 91 the real tax rate they would pay is lower than the real tax rate most of us will pay.

In fact, the effective tax rate for income over \$285,000 would be reduced to only 5.44%. Who would have ever thought that, in Oregon, the working poor's income could be taxed at a 40% higher tax rate than the highest incomes.

That is not only unfair. It is ridiculous.

Even those who want to see tax reductions and a limited government can agree that Measure 91 is a tax scheme that makes no sense for the Oregon taxpayer. Please join me in voting No on 91.

*(This information furnished by Jim Edelson.)*

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## ARGUMENT IN OPPOSITION

**Educators say  
Vote no on Measure 91**

As educators in schools throughout Oregon, we have the chance to help children achieve the future we all wish for them. Because we are in the public schools every day, we know how much more challenging Measure 91 will make that progress.

The budget cuts of Measure 91 are just too large to avoid a serious impact:

- **Measure 91 will increase class sizes** at a time that kids need more individual attention, not less.
- **Measure 91 will eliminate programs like art and music** that are an important part of a well-rounded education.
- **Measure 91 will make it difficult to afford up-to-date books and materials.**

**And for all that, Measure 91 will not give most Oregon taxpayers any tax reduction.**

**Vote No on Measure 91**

Larry Wolf, middle school teacher  
Chenoweth

Chris Nelson, high school teacher  
Albany

Marlene Payne, middle school teacher  
Beaverton

Carolyn Ramey, school counselor  
Seaside

Gail Rasmussen, admin. asst.  
Eagle Point

Eric Nelson, high school teacher  
Klamath Falls

*(This information furnished by Larry Wolf, Carolyn Ramey, Marlene Payne, Gail Rasmussen, Eric Nelson, Chris Nelson.)*

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# Measure No. 91 Arguments

## ARGUMENT IN OPPOSITION

### MEASURE 91 IS NOT THE ONLY ONE TO WORRY ABOUT!

Measures 91, 93 & 8 are bad ideas for Oregon in many different ways. But there are some things they have in common:

- They all offer little or no benefit to middle class Oregon taxpayers.
- They all hurt basic values and services that all Oregonians count on and care about.
- They are all vague or misleadingly worded, and filled with unintended consequences.
- They all amend the constitution.
- They don't add up, and they certainly won't work.

**Measures 91, 93 & 8:  
Far Too Little Benefit. Far Too Great a Cost.**

[www.ouroregon.org](http://www.ouroregon.org)

*(This information furnished by Shannon Floyd, The Committee for Our Oregon.)*

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## ARGUMENT IN OPPOSITION

### THE UNIVERSITY OF OREGON ALUMNI ASSOCIATION URGES A NO VOTE ON MEASURE 91 Please help to protect Oregon's investment in higher education!

Since 1876, the University of Oregon has offered high quality education, research and public service to the people of Oregon, strengthening the state economy and helping to develop a well-educated citizenry. Measure 91 would jeopardize the University's ability to achieve these important goals for all Oregonians.

That is why the University of Oregon Alumni Association is urging all Oregonians to vote NO on Measure 91.

The 1999 Legislature reversed the trend of divestment in higher education and provided the first significant increase in public funding for Oregon's universities in a decade, beginning the process of restoring adequate support and demonstrating a commitment to the State's young people and its future. Measure 91 would halt this progress by creating a 20% reduction in the state budget, resulting in a huge loss for universities.

Oregon relies on its universities for the development of a solid workforce and financial foundation for our future. Measure 91 would harm not only the quality of higher education in Oregon, but would damage the quality of our workforce, a risk that we, as a state, cannot take. And all for a measure that offers little or no benefit for the great majority of Oregon taxpayers.

Please join us in casting a vote for Oregon's future by voting No on Measure 91.

*(This information furnished by James Perry, University of Oregon Alumni Association.)*

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# Measure No. 91 Arguments

## ARGUMENT IN OPPOSITION

### No on 91

#### Oregon Health Care Association opposes Measure 91.

Nursing homes, assisted-living, and residential care facilities provide needed care for thousands of elderly and disabled Oregonians. Unfortunately, there is already a long term care funding crisis in Oregon. Measure 91 would not only make this crisis worse but it would destroy any hope of fixing the problem.

#### Oregon's seniors are at grave risk from this unfair, costly measure.

Measure 91 puts a huge hole in the budgets that sustain quality long-term care for Oregonians. Critical services for thousands of people will STOP if Measure 91 passes. Almost 15,000 Oregonians stand to lose the assistance they need from Oregon Project Independence and other essential long term care programs.

#### Measure 91 does NOT provide tax relief for most Oregonians.

The fact is, most Oregon taxpayers will get nothing. Even families earning nearly \$50,000 will only see a \$24 a year cut in their taxes. Corporations and wealthy taxpayers receive most of the benefits from this measure. Why would we vote for teacher cuts, less money for police, and a crippling cut in health care services for the elderly to when most taxpayers get nothing back for it?

#### The cost is much too high for the small benefit.

The benefit is too little to see potentially thousands of Oregon seniors and people with disabilities LOSE their services permanently. Families with elderly parents or grandparents, who are already struggling to make ends meet, will see their finances overwhelmed and the care of their loved ones severely limited.

VOTE NO ON BALLOT MEASURE 91

WE JUST CAN'T AFFORD IT!

*(This information furnished by James Carlson, Oregon Health Care Association.)*

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## ARGUMENT IN OPPOSITION

### THE OREGON FARM BUREAU FEDERATION URGES A NO VOTE ON MEASURE 91

#### Measure 91 Threatens Oregon's Farming Economy

As farmers, we tend to be self-reliant. We work very hard to feed not only our own families, but the world. And we are proud of our role as an important part of Oregon's economy and heritage.

We also believe in paying our fair share of taxes -- no more and no less.

#### But Measure 91 is not a tax cut for most Oregonians. Not only is it unfair -- it is a serious threat to Oregon's farmers.

Just like all Oregonians, we rely on strong schools, an affordable health care system and safe communities. All these will be affected. But Measure 91 could also have negative impacts on the Department of Agriculture and funding for important agricultural research done at OSU and its experiment stations. There is also the OSU Agricultural Extension Service program and the need to expand the Veterinary School to a four-year program.

These are vital to Oregon's farmers -- vital to our ability to compete and survive in the world market. Many of these programs have been given short shrift through the years. The cuts Measure 91 would force could be devastating to agriculture

Measure 91 is bad for farmers and unfair to all Oregonians.

#### Please join the Oregon Farm Bureau Federation and Vote NO on Measure 91

*(This information furnished by Andrew Anderson, Oregon Farm Bureau Federation.)*

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# Measure No. 91 Arguments

## ARGUMENT IN OPPOSITION

### FORMER JUDGES OPPOSE PLACING MEASURE 91 IN THE CONSTITUTION

It is Unfair and Unclear

Fellow citizens:

As former judges, we have a deep respect for the State's fundamental governing document – the Oregon Constitution.

**That is why we hope you will join us in voting No on Measure 91.**

The Constitution establishes our basic system of government and protects our fundamental rights. Unlike a simple statute, it cannot be changed by the Legislature. Only a vote of the people can change the Constitution.

**We believe that the Constitution should be reserved for matters of fundamental importance.** We believe it is entirely inappropriate, and dangerous, to crowd the Constitution with provisions that could easily be dealt with statutorily.

**Measure 91 is a classic example of a proposal that does not belong in the Constitution.** The issue of deductibility of Federal taxes is not the kind of matter of grave, permanent importance that belongs in our basic governing document. Moreover, Measure 91 is so poorly drafted that even its author has no firm opinion about the meaning of all of its provisions.

We happen to disagree with Measure 91 as a matter of tax policy. It gives nothing or very little to middle-class families, while undermining services – from education to public safety – that all Oregonians depend on.

**But even if we agreed with Measure 91 as a matter of tax policy, we would oppose placing it in the Constitution.**

We hope you will join us in voting "No."

*(This information furnished by The Honorable Betty Roberts, The Honorable George M. Joseph, The Honorable Jacob Tanzer.)*

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## ARGUMENT IN OPPOSITION

KEEP HIGHER EDUCATION AFFORDABLE & ACCESSIBLE

VOTE "NO" ON MEASURE 91

**Measure 91 is an extreme measure.** Taking \$65 million from the state appropriations the public universities received in the **current budget** will damage our universities. **This retroactive budget reduction** will force program cuts or tuition increases **right now.** Measure 91 will close the door to higher education for thousands of Oregonians **this year.**

**Measure 91 will hurt Oregon universities for years to come.** A \$175 million cut in the next Oregon University System appropriation will mean more tuition increases and program cuts next year to make up the difference. Tuition for Oregon residents is already the highest in the West. Pushing it even higher will price many people out of our universities.

**Measure 91 hurts Oregon families twice.** First, the bottom 53 percent of Oregon taxpayers receive no tax cut from Measure 91 but they do lose their "Kicker." Then, our universities will be forced to hit these same families with higher tuition and fewer programs. **That makes Measure 91 a lose-lose proposition for Oregon families.**

**Measure 91 hurts Oregon.** Making it more difficult for public universities to help Oregonians succeed in our economy and society hurts all of us.

Vote FOR Oregon—Vote NO on Measure 91

David Frohnmayr  
President, U of O \*

Don VanLuvanee  
President, Oregon State Board  
of Higher Education \*

Paul Risser  
President, OSU \*

Tom Imeson  
Immediate Past President  
Oregon State Board of  
Higher Education \*

Daniel Bernstine  
President, PSU \*

Betty Youngblood  
President, WOU\*

Joseph W. Cox  
Chancellor  
Oregon University System\*

\*Titles used for identification purposes only, and do not constitute a position on this measure by any institution of the Oregon University System or the Oregon State Board of Higher Education.

*(This information furnished by Shannon Floyd, The Committee for Our Oregon.)*

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# Measure No. 91 Arguments

## ARGUMENT IN OPPOSITION

### OREGON'S HIGH-TECH INDUSTRY OPPOSES MEASURE 91

Unfair tax measures have no place in Oregon, especially when they do serious damage to things we all count on. **That is why the American Electronics Association urges Oregon voters to vote NO on Measure 91.**

#### Undermining Oregon's Success

Over the past decade, the high-tech industry in Oregon has grown to be the state's leading industry, providing 77,000 jobs, a payroll of more than \$4 billion, and a contribution of millions of dollars in taxes to state and local governments.

That is an Oregon success story that we all can be proud of. But Measure 91 would undermine that success — especially when it comes to our schools.

#### Undermining Oregon's Schools

Our industry's top priority in the state is to ensure a strong educational system, from kindergarten through college. The impacts of Measure 91 on state spending for schools will harm Oregon's quality of life for our companies and for our workers' families.

The most important asset any high-technology company has is its people. And we can't attract and keep good people at our companies if the educational system in Oregon begins to deteriorate. Oregon's current economic prosperity is a direct result of a growing high-tech economy in the state. Such good times are threatened if we go backwards on our commitment to education.

**Strong schools + a strong high-tech economy = a strong Oregon**

**Measure 91 + Oregon = a future at risk**

**Keep Oregon on the right track- say NO to Measure 91!**

*(This information furnished by Jim Craven, Oregon Council, American Electronics Association.)*

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## ARGUMENT IN OPPOSITION

### OREGON'S RELIGIOUS COMMUNITY URGES A NO VOTE ON MEASURE 91

#### A tax cut should be fair to all Oregonians

Regardless of the differences in our backgrounds, religions or political beliefs, Oregonians are committed to basic principals of fairness and acting in the best interest of our entire State. It is for this reason that we urge a NO vote on Measure 91.

Measure 91 promises a tax break to Oregonians by allowing for the deduction of federal income tax on state and corporate tax returns. However, this measure is unfair and only benefits the wealthiest Oregonians, while **most Oregon taxpayers would receive nothing.**

The question to ask when considering a tax cut is who gets the benefit, and who pays the cost? Does it benefit Oregon's hard working, low-income and middle-income men and women? The answer for Measure 91 is no.

#### And all Oregonians will pay the cost.

Measure 91 would result in a **loss of over \$2 billion dollars per budget cycle for schools, health care, and services for seniors, the disabled and those in genuine need.** In this year alone, funding could be cut by 24%. These are services that all Oregonians depend on regardless of income. To trade these away for a tax cut that few will see makes no sense for Oregon taxpayers.

Fairness is a virtue worth voting for. Please join us and vote **No on Measure 91.**

*(This information furnished by The Rev. Daniel E. H. Bryant; Reverend William Ellis, Jr.; Emily Georges Gottfried, American Jewish Committee, Oregon Chapter; Pastor David Knapp; Robert Horenstein, Jewish Federation of Portland Community Relations Committee; Rabbi Daniel Isaak; Reverend Wes Taylor.)*

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# Measure No. 91 Arguments

## ARGUMENT IN OPPOSITION

We oppose Measure 91 because it is a cruel hoax on Oregon taxpayers. As alumni of Portland State University, we believe Oregon should have a fair tax system that funds programs like higher education. **In our opinion, Measure 91 doesn't measure up.**

-It will provide tax relief for upper income households and little or no relief for middle income Oregonians.

-It will cut the State budget by an estimated 24% and that is simply too much. Imagine if your household budget were cut by 24%. Even State government can't withstand a cut that size without hurting the State's economy.

-It will hurt Oregon's colleges and universities at a time when we need to provide opportunities for all high school students to attend college.

We all were able to get a great education at PSU; one that prepared us for the world of work. While we paid our tuition, we know that part of our education was supported by tax dollars paid for by hard working Oregonians. We appreciated that support then, and we believe that today's generation of college students deserve the same support. Without a strong public higher education system, many people won't be able to afford a college education.

We urge a no vote on Measure 91. This measure isn't fair and it won't help average Oregonians.

*(This information furnished by Joan C. Johnson, Denise Duncan, Roger Capps, Marjorie Terdal, Chris Groener, Gary D. Salyers, Julie Kopet; alumni of Portland State University.)*

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## ARGUMENT IN OPPOSITION

### **DEMOCRATS AND REPUBLICANS AGREE: Measure 91 Benefits Too Few, Costs Too Much and Cuts Too Fast**

By John Kitzhaber and Mark Hatfield

One of us is a Democrat, the other a Republican. In philosophy and on issues there are many areas where we disagree.

But no matter your philosophy, some ideas are so bad that both sides of the political spectrum can agree.

#### **Measure 91 is one of those bad ideas.**

Creating an unlimited deduction of your federal tax bill on your state taxes sounds like a fine idea, until you realize what it would really do.

It is a tax "cut" that most Oregon taxpayers won't see. A family of four making \$46,000 gets nothing. A family of four making \$500,000 would get \$13,625.

#### **Even if you like tax cuts, a measure that leaves out the middle class isn't fair.**

And it certainly isn't worth the high cost to all Oregonians. In Oregon's next budget, it will cut over \$2 billion. Common sense says you can't cut that much money out of services without adversely affecting schools, health care, public safety and the environment.

#### **Few get the benefit. All pay the cost.**

Finally, the measure is most likely retroactive and affects this year's taxes. If so, it would immediately cut about 30% out of the last six months of a 24-month budget. That would be chaos.

Why the words most likely? Because the measure is so unclear that a court will have to figure out what it means. And if this measure is passed, it will be made a part of our Constitution!

Retroactive or not, Measure 91 represents grossly unfair tax policy, terrible public policy and would leave a legacy of worse schools, higher tuition, limited economic development and greatly reduced health care for the young and vulnerable. Whether you are a Republican, Democrat or Independent, this is not our Oregon. We urge you:

#### **VOTE NO ON 91**

*(This information furnished by Mark Hatfield, John A. Kitzhaber, M.D.)*

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# Measure No. 91 Arguments

## ARGUMENT IN OPPOSITION

### Vote NO on Measure 91

**Measure 91 is unfair to the vast majority of Oregon taxpayers:** This measure sounds like a tax cut, but most Oregon taxpayers would receive nothing at all. In fact, people earning over \$200,000 would receive nearly half the tax cut, while business would receive an entirely new tax break. On the other hand a household of four with an income of \$47,000 per year would receive only \$1.66 a month.

**But while most Oregonians will see little or no tax benefit from Measure 91, all of us will feel the negative impact.** It would mean a loss of \$2 billion dollars to Oregon's General Fund every budget cycle. That is about a 20% cut to programs such as public schools, health care and services to seniors, children and the disabled. These are vital services important to Oregon, its people and its future.

A measure that gives nothing to most taxpayers and takes away important things from all Oregonians is unfair, extreme and makes no sense.

### Please vote No on Measure 91.

More than 1,000 Oregonians from 19 counties across Oregon Signed petitions to submit this voter's pamphlet statement, including:

Baker, Benton, Clackamas, Clatsop, Deschutes, Douglas, Jackson, Jefferson, Lake, Lane, Lincoln, Marion, Multnomah, Tillamook, Umatilla, Union, Wasco, and Yamhill and Washington Counties

**Because We Care About Oregon PAC,  
Beverly Stein, Chair**

*(This information furnished by Beverly Stein, Because We Care About Oregon PAC.)*

*(This space qualified for by a petition of 1,000 Oregon voters in accordance with ORS 251.255.)*

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## ARGUMENT IN OPPOSITION

### MEASURE 91 SENDS MONEY OUT OF OREGON

To My Fellow Oregonians:

Like you, I am a taxpayer. I also deal with taxes for my living (no, I don't work for any government). There is a fact about Measure 91 that you need to know before you vote. **Measure 91 WOULD INCREASE FEDERAL TAXES PAID BY OREGONIANS.**

Measure 91 increases the state deduction for federal taxes. There is also a federal deduction for state income taxes. What this means is that for every \$100 you "save" on Oregon taxes, you pay between \$15 and \$40 more in federal taxes. **OREGON LOSES \$ - WASHINGTON D.C. GETS \$.**

Why should you care? **You** would pay less taxes, wouldn't you? (Well, maybe not, but let's **pretend** we are all wealthy enough to save taxes from Measure 91.) Why should you care if Washington D.C. gets money and Oregon loses money?

Think about the things that state and local government does that YOU USE ... Can't think of any? What about public schools? Ever use a park? Call the police? ... Now think about the things that YOU USE that are courtesy of Washington D.C. Not many, are there? A lot of tax dollars go to Washington D.C. - and a lot get lost on the way back. **SHIFTING TAX \$ TO WASHINGTON D.C. TAKES VALUE AWAY FROM YOU.**

Now think about control over government. I don't agree with Measure 91, but isn't it great that in Oregon we as voters can actually decide what our government will do? When was the last time you got to vote on a federal initiative petition? **SHIFTING TAX \$ TO WASHINGTON D.C. TAKES CONTROL AWAY FROM YOU.**

### KEEP VALUE AND CONTROL IN OREGON

### VOTE NO ON MEASURE 91

*(This information furnished by Jaime Sanders.)*

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# Measure No. 91 Arguments

## ARGUMENT IN OPPOSITION

Somewhere, Robin Hood must be turning over in his grave.

The man made famous for "robbing the rich to give to the poor" could not fathom the likes of Ballot Measure 91, the "Welfare For The Rich" measure authored by Bill Sizemore.

Of course, that's not what supporters are saying about it. They are quick to throw out the phrase "end double taxation!" in the hopes that you'll look no further. Proponents of Measure 91 want you to believe it will save you money.

But that all depends on who "you" are. Because the facts are simple:

- **If you make in the range of \$30,000 per year or less, you save absolutely nothing.** In fact, you'll lose money under Measure 91. That's because Measure 91 will eliminate the "kicker" rebate — there won't be a surplus to divvy up — and you could end up paying more in federal income taxes because your state tax liability has been lessened.
- **If you are the "average" Oregon family — a family of four, making about \$45,000 — you will save under \$2 per month.**

So where does the **\$2 billion** per biennium savings go? It goes directly to out-of-state and foreign corporations and Oregon's wealthiest citizens, those making over \$100,000 a year.

In return, we would see large cuts in education, public safety and health care funding. Again, don't let Measure 91 proponents fool you with phrases like "a little belt tightening." Education, public safety and health care make up over 75 percent of Oregon's General Fund. It's simply not possible to make a \$2 billion cut in the General Fund without impacting those areas.

Let poor Robin Hood rest in peace. Don't steal from the poor to give to the rich. Join us and Vote NO! on Ballot Measure 91.

**Merrilee Petersen, Grants Pass**  
**AFSCME Local 2619 (Southern Oregon Head Start)**

**Tina Turner-Morfitt, Salem**  
**AFSCME Local 2376 (Dept. of Corrections)**

*(This information furnished by Don Loving, Oregon AFSCME Council 75.)*

*(This space purchased for \$500 in accordance with ORS 251.255.)*

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## ARGUMENT IN OPPOSITION

**Oregon State Treasurer Jim Hill**  
**Urges you to vote NO on Ballot Measure 91**

**On it's surface Ballot Measure 91 sounds fair, but don't be fooled. It provides tax breaks for Oregon's wealthiest individuals and corporations, and provides no real middle class tax relief.** A family of four earning \$47,000 would save only \$24 a year, while those earning \$500,000 save \$13,625 a year. Large out of state corporations would pay millions less in taxes every year.

**Measure 91 will have a serious impact on public services.** Examples of the cuts this measure would force include closing schools early, increasing class size, taking police off our streets, and forcing thousands of women and children to lose their health-care coverage through the Oregon Health Plan. **Measure 91 reduces the state budget by \$1 billion a year, which is about 20% of the state's general fund budget. Such a drastic cut would have severe, long-term consequences.**

Currently our public schools are overcrowded and in disrepair. Our children are relying on outdated textbooks and many vital programs have been dropped from school curriculum. Oregon's four-year high school dropout rate has soared to nearly one-third of all students. **Measure 91 will further harm Oregon children by denying our public schools hundreds of millions of dollars in basic funding.**

**If Measure 91 takes effect this year, it would cut the current state budget by \$870 million, forcing immediate and devastating cuts to schools and essential public services.**

I have served Oregon with pride for 20 years. Recently, however, I have seen our state succumb to the power of special interests whose main objective is not to reduce government but do away with it entirely. Measure 91 is another example of this dangerous and shortsighted ideology.

**I ask you to join me in voting NO on measure 91. It may be the most important vote you make this year for the future of our state.**

**Jim Hill**  
**Oregon State Treasurer**

*(This information furnished by Jim Hill, Oregon State Treasurer.)*

*(This space purchased for \$500 in accordance with ORS 251.255.)*

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# Measure No. 92

Proposed by initiative petition to be voted on at the General Election, November 7, 2000.

## BALLOT TITLE

### **92 AMENDS CONSTITUTION: PROHIBITS PAYROLL DEDUCTIONS FOR POLITICAL PURPOSES WITHOUT SPECIFIC WRITTEN AUTHORIZATION**

**RESULT OF "YES" VOTE:** "Yes" vote prohibits payroll deductions for political purposes without specific annual written employee authorization.

**RESULT OF "NO" VOTE:** "No" vote retains current laws governing authorization of payroll deductions for political purposes.

**SUMMARY:** Amends Constitution. Under current law, payroll deductions are permitted only if authorized in writing by employee, authorized by collective bargaining agreement or required by law; unions cannot require political contributions. Measure prohibits using payroll deductions for political purposes without specific annual written employee authorization. Applies to all employees. Deductions are "used for political purposes" if any portion is spent directly/indirectly on: contributions to candidates or political committees/parties; lobbying; independent expenditures supporting/opposing candidates; ballot measures or proposed initiatives. Imposes civil penalties for violations.

**ESTIMATE OF FINANCIAL IMPACT:** This measure will require state government expenditures of \$396,000 annually to update the payroll system.

This measure will require local government expenditures of \$1,126,000 annually to update the payroll system.

There is no financial effect on state or local government revenues.

(c) If an organization, without the employee's permission, uses for a political purpose money collected for it by means of payroll deduction from the employee's paycheck, the organization shall pay to the state treasury a civil penalty of not less than double the amount of money spent in violation of this section, and in addition shall refund to the employee double the amount of money that was taken from him or her and used for a political purpose, plus all attorney fees and costs expended to recover the funds. For purposes of this section, money also shall be deemed to have been spent for a political purpose if the money is commingled with money which is wholly or in part used for a political purpose.

(d) Nothing in this section shall be construed as authorizing payroll deduction for political purposes if doing so is prohibited in Oregon law.

(e) If any phrase, clause, or part of this section is invalidated by a court of competent jurisdiction, the remaining phrases, clauses, and parts shall remain in full force and effect.

## TEXT OF MEASURE

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OREGON:

THE CONSTITUTION OF THE STATE OF OREGON IS HEREBY AMENDED BY ADDING THE FOLLOWING SECTION:

Section 1. No money shall be deducted from an employee's paycheck and used for a political purpose without the employee's prior written permission.

(a) For purposes of this section, money shall be deemed to be used for a political purpose if any portion of the money, including in-kind contributions and pass-through contributions through an affiliated organization, is contributed to a candidate or political committee or party, or spent lobbying an elected official, or is spent, including independent expenditures, supporting or opposing a candidate for public office or a ballot measure, including efforts to collect signatures to place a measure on the ballot, and any efforts, including but not limited to direct mail and media campaigns, to solicit signatures for initiative petitions or to discourage electors from signing initiative petitions.

(b) For purposes of this section, written permission shall only be deemed to be granted by the employee, if the authorization is granted by the employee freely and renewed annually on a form which is used exclusively for this purpose. The state legislative assembly shall establish safeguards to insure that no personal information, the revealing of which might endanger the privacy or safety of an employee, is contained on the form or made available to the public.

# Measure No. 92

## EXPLANATORY STATEMENT

Ballot Measure 92 would add a new section to the Oregon Constitution prohibiting public and private employee payroll deductions if any portion of the money will be used for a political purpose, unless the employee freely gives written permission each year on a form used only for that purpose. The measure would also restrict the use of payroll-deducted funds by any organization that receives them without first obtaining the required employee authorization. Organizations that use payroll deductions include unions, charities, insurance companies and financial institutions.

Under current law, an employer may deduct wages from payroll if the deduction is either authorized in writing by the employee, or authorized by a collective bargaining agreement, or required by law. Neither unions nor any other organization can require political contributions.

Ballot Measure 92 provides that money spent on the following political activities shall be considered "money used for a political purpose:"

- Making contributions to a candidate, political committee or political party;
- Lobbying an elected official;
- Supporting or opposing a candidate or ballot measure;
- Collecting signatures to place a measure on the ballot;
- Soliciting signatures for an initiative petition or discouraging voters from signing an initiative petition.

The measure's restrictions apply to payroll-deducted funds that are:

- Used directly for a political purpose;
- Used indirectly through in-kind contributions that are used for a political purpose;
- Commingled with other money used in whole or in part for a political purpose; and/or
- Passed through to any organization that uses the money in whole or in part for a political purpose.

This measure imposes a civil penalty, payable to the state treasury, on organizations that violate the measure, of not less than double the amount of money spent for a political purpose, including any non-political funds which are commingled with political funds. In addition, the organization must refund to the employee double the amount spent in violation of this measure, plus attorneys fees and costs incurred in getting the refund.

The measure requires the Legislative Assembly to establish safeguards so that personal information (for example, addresses, and phone numbers) about the employee would not be put on the form used to authorize payroll deductions, or made available to the public if revealing the information could endanger the privacy or safety of the employee.

Ballot Measure 92 does not authorize payroll deductions for political purposes if otherwise prohibited by Oregon law.

**Committee Members:**

Becky Miller  
 Bill Sizemore  
 Tim Nesbitt  
 Margaret Olney  
 Representative Lane Shetterly

**Appointed by:**

Chief Petitioners  
 Chief Petitioners  
 Secretary of State  
 Secretary of State  
 Members of the Committee

*(This committee was appointed to provide an impartial explanation of the ballot measure pursuant to ORS 251.215.)*

92

# Measure No. 92 Arguments

## ARGUMENT IN FAVOR

### OPPONENTS OF MEASURE 92 ARE TRYING TO FOOL VOTERS

Measure 92 stops corporations and unions from forcing workers to make political contributions against their will. Measure 92 doesn't prevent employees from contributing to any political cause they wish. It merely requires organizations to get employees' permission before extracting money from their paychecks for politics.

A few powerful labor unions oppose Measure 92 because they know most employees would not voluntarily contribute to their union's political fund, if they had a choice.

There is no doubt that what is currently going on is wrong. Extracting political "donations" without an employee's permission is immoral. It's un-American.

How could Measure 92's opponents ever hope to defeat such a good, common sense idea? They hope to convince voters that Measure 92 will have unintended consequences like hurting charities that use voluntary payroll deductions to raise money.

But this is merely a campaign ploy – an attempt to change the subject. The truth is, about the only way a charity would ever be affected by Measure 92 is if it says it is collecting money for a charitable purpose, but using it instead for politics. Otherwise, charities will not be affected by Measure 92.

In 1992, voters in Washington state overwhelmingly passed a measure similar to Measure 92, requiring employee permission before deducting money from their paychecks to run political campaigns. The result was a real eye-opener. More than 80 percent of the public employees in Washington refused to contribute part of their wages to the public employee unions' political funds, once they were given a choice.

That's why some unions in Oregon are spending millions to retain their ability to confiscate employees' money without permission. But don't be fooled. Measure 92 protects workers. It insures that no employee will be forced to contribute against his or her will to a political cause they don't personally support.

And of course, that's the way it ought to be!

*(This information furnished by Becky Miller, Oregon Taxpayers United.)*

*(This space purchased for \$500 in accordance with ORS 251.255.)*

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## ARGUMENT IN FAVOR

### IT'S TIME TO STOP THE SCHOOLYARD BULLY

A decade ago, the U.S. Supreme Court issued a landmark decision in Communication Workers v. Beck. In what has come to be known as Beck rights, the Court said that workers cannot be forced to pay any dues or fees beyond those necessary to perform collective bargaining.

But the decision left a giant loophole, and as a result, unions have found many creative ways to continue to confiscate money from workers' paychecks to fund the union bosses' favorite political causes.

Think of it like the schoolyard bully. Before the Beck decision, the bully would take your lunch money and not give it back. After the Beck decision, the bully can still take your lunch money, but you at least have the right to try to get it back. If you can.

Most workers do not know they can try to get their money back. Those who do, and who want their money back are often forced to resign from their union first. Such is the case with Oregon public employees. They must either belong to their union and pay political dues, or give up any involvement in their union's activities, including voting on their own contracts or receiving liability insurance coverage.

Some choice.

Adding insult to injury, the union will go on taking and spending those workers' money on politics, so the workers will have to go through the whole process of getting their money back again the next year. And the next. And the next.

It's high time we stopped the bully from stealing workers' lunch money. Vote yes on Measure 92.

*(This information furnished by Becky Miller, Oregon Taxpayers United.)*

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# Measure No. 92 Arguments

## ARGUMENT IN FAVOR

### UNIONS PUT UP ROADBLOCKS TO EMPLOYEES EXERCISING THEIR BECK RIGHTS

If you are a union member who deeply disagrees with your union's political activities, here's a little experiment for you to try. Ask your union or the Labor Relations Board what you have to do to get back the money they took from your paycheck to pay for those political activities. Ask if you will still be part of the union if you don't allow any of your dues to be used for politics. See what they say.

You will probably be surprised to learn how difficult it is to keep your union from using your money to fund those activities. Here's what may happen:

- 1) You will probably get forced out of your union. You will still have to pay dues to the union, but you won't be allowed to participate in union activities.
- 2) Your union may tell you that money they spent to support or oppose ballot measures was part of the collective bargaining process, so you can't get it back.
- 3) You may be told you only have a two week period each year during which you may send a letter asking for your refunds. That period may have already passed. If not, your letters may be ignored.
- 4) If you do get your letter in on time, your union will likely understate the amount spent on political activities and you will have to sue to recover your own money.
- 5) Next year, you get to go through it all over again.

Sound far-fetched? It's not. These things happen all the time, and they are happening right here in Oregon. I should know. I've been a member of a labor union for 16 years and even served as vice-president.

It's high time we protected the rights of Oregon's workers by ending forced political contributions. Please join me in supporting Measure 92.

*(This information furnished by Jean Nations.)*

*(This space purchased for \$500 in accordance with ORS 251.255.)*

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## ARGUMENT IN OPPOSITION

### LEAGUE OF WOMEN VOTERS OF OREGON URGES A "NO" VOTE ON MEASURE 92!

Measure 92 is an unfair, unnecessary attack on the individual rights of working Oregonians. Please join us in keeping Measure 92 out of Oregon's Constitution.

- **92 takes away individual rights.** The Constitution is there to protect our rights, but 92 would take rights away. All union members in the United States have the freedom to "opt out" of their union's political contribution; even the U.S. Supreme court says so. Thousands of Oregonians already "opt out," and thousands more use their power and responsibility to change from within what they don't like about their union's political activities. This measure would use the Oregon Constitution to limit individual freedoms to make these choices and changes.
- **92 does not belong in the Constitution.** According to some legal experts, amendment 92 is unconstitutional. The highest courts in other states have rejected similar laws because they limit workers' rights to join together and participate in politics. These measures would face similar challenges in Oregon, and that means they could be in court for years. We do not need to spend millions in tax dollars to defend amendments that take away rights.

**Please say "no" to 92, and keep the Constitution fair for everybody.**

### LEAGUE OF WOMEN VOTERS OF OREGON

*(This information furnished by Paula D. Krane, President, League of Women Voters of Oregon.)*

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# Measure No. 92 Arguments

## ARGUMENT IN OPPOSITION

**OREGON PTA SAYS:  
DON'T LET MEASURE 92  
HURT OUR CHILDREN'S EDUCATION**

**If this measure passes, children and education in Oregon will suffer.** It will place a tight restriction on the amount of work that charities such as Boys and Girls Clubs, Scouts organizations, and United Way agencies are able to accomplish on behalf of Oregon's children. We all need these voices to meet the living and learning needs of our kids.

Because Measure 92 restricts contributions to political work, these charities, along with teachers' unions who work for better education, will have to comply with a cumbersome annual written authorization process. This is hardly a reduction in the level of governmental bureaucracy—in fact, it is a level of paperwork that would severely affect organizations that improve education in Oregon.

The substantial amount of time required for the paperwork process would cut into the work these dedicated advocates are able to do on behalf of Oregon's children. In addition, the expense of acquiring written permission year after year would be a strain on the funds that would be better spent improving our schools and services for kids.

The Oregon PTA (Parent Teacher Association) relies on the voices of charities and teachers to join us in speaking out for all of our children. We simply can't do it alone.

We need to work together to ensure that our children's education is supported with quality curriculum, and that there is adequate funding to cover the educational needs of our children. We also work on health issues that affect our children, and on social concerns such as school safety.

**PROTECT THE VOICES THAT  
SPEAK FOR OREGON'S CHILDREN!**

**Vote NO on measure 92.**

Kathryn Firestone, President  
Lisa Laursen Thirkill, Vice President for Legislation  
The Oregon PTA

*(This information furnished by Kathryn Firestone, President, Lisa Laursen Thirkill, VP for Legislation; The Oregon PTA (Oregon Congress of Parents and Teachers).)*

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## ARGUMENT IN OPPOSITION

**Don't let 98 and 92 interfere with  
the Firefighter-MDA partnership**

**Fires aren't the only thing firefighters take on every day.** We also partner with the Muscular Dystrophy Association to combat neuromuscular diseases that affect millions of Americans.

**We work hard for our money. And it feels good to know that our voluntary contributions help families dealing with muscular dystrophy. But amendments 98 and 92 could end our partnership with MDA.**

Through our paychecks every month, we make contributions that pay for things like research, physical therapy, support groups for families and even summer camp for kids. This partnership has been going strong since 1954.

**Amendment 92 would interfere with our giving to MDA.** Why? Because like many charities, MDA works to pass legislation that would help its members. For example, MDA has been successful in getting better long-term health care and better access in public facilities for people who use wheelchairs. Amendment 92 would force the MDA to collect written permission from each and every one of us every year just to use our money to continue their mission. That's a waste of the money we give them — money that could be used to help the people in need.

**Please vote "no" on amendments 98 and 92.**

**They make giving difficult for firefighters.**

**They take money away from people who need it.**

**They don't belong in Oregon's Constitution.**

Signed,

**Bob Livingston**  
Oregon State Fire Fighters Council

**Steven Kenney**  
Muscular Dystrophy Association, Inc.

*(This information furnished by Steve Kenney, Regional Director Muscular Dystrophy Association; Bob Livingston, Oregon State Firefighters Council.)*

*(This space purchased for \$500 in accordance with ORS 251.255.)*

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# Measure No. 92 Arguments

## ARGUMENT IN OPPOSITION

### Measure 92 threatens programs that help seniors

When bad legislation comes along that could affect senior citizens in a negative way, we want to let you know about it. This is one of those times.

**Measure 92 will hurt charities that help seniors and other people.** Every pay period, thousands of working Oregonians voluntarily donate money to hospice programs, The American Red Cross, and other charities that help seniors. Amendment 92 puts limits on payroll deductions, placing millions of dollars of aid at risk.

If this measure passes, charities like senior meal programs that receive donations through payroll deductions would be limited in how they could help us with this money. If they were to use any of it to speak to their legislators on our behalf — which many of them do — these busy groups would have to obtain written permission slips from each and every contributor every year. That's thousands and thousands of permission slips. It's expensive to do all of that unnecessary work.

**These non-profit groups should be spending their time helping people, not tracking down permission slips.**

This measure will not even save taxpayers money. It will cost us millions of dollars. See for yourself in the Financial Impact Statement at the beginning of this section.

Please join us in opposing Measure 92. It is bad for seniors and bad for Oregon.

Signed,

Oregon State Council of Senior Citizens  
United Seniors of Oregon  
Gray Panthers of Oregon  
Advocacy Coalition for Seniors and People with Disabilities

*(This information furnished by Jim Davis, Oregon State Council of Senior Citizens, United Seniors of Oregon, Gray Panthers of Oregon, Advocacy Coalition for Seniors & People with Disabilities.)*

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## ARGUMENT IN OPPOSITION

**“Measure 92 will cost taxpayers over 1.5 million dollars to fix something that isn't broken. It is a wasteful and mean-spirited attack on Oregon's working men and women.”**

— Jim Hill, State Treasurer

**Measure 92 is an ugly attempt to silence the voices of Oregon workers, thereby strengthening the power of special interest groups.** Measure 92 is an attempt by one political faction to keep hardworking Oregonians from participating in their government. The supporters of this dangerous measure want you to think they are protecting workers' rights, but in fact the opposite is true — they see Oregon's working men and women as their political enemy.

Measure 92 will cost Oregon taxpayers 1.5 million dollars each year. The supporters of Measure 92 will tell you this is a small percentage of tax dollars, but as Oregon's Chief Financial Officer, I disagree. 1.5 million dollars could buy thousands of new school-books or put many more police officers in our communities. **Measure 92 is another example of nickel-and-diming our precious resources to promote special interests. It is a waste of valuable taxpayer dollars.**

Measure 92 is an attack on privacy rights. It would require employees to inform their boss of their political and charitable donations if they participate in workplace giving. No one should have to explain to their boss which organizations they choose to support. **Measure 92 is an intrusion to the privacy we all cherish.**

**The sponsors of Measure 92 are attempting to use the Oregon Constitution to further their own political interests.**

**Measure 92 is a waste of money. Measure 92 is an unfair and underhanded attack on Oregon's working families. Measure 92 is bad politics.**

**Please join me in voting “NO” on Measure 92**

Jim Hill  
Oregon State Treasurer

*(This information furnished by Jim Hill, Oregon State Treasurer.)*

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# Measure No. 92 Arguments

## ARGUMENT IN OPPOSITION

**"I can make 50 phone calls and raise quite a lot of money very quickly."**

-- Bill Sizemore, Sponsor of Measures 92 and 98  
Quoted in *The Oregonian*, May 17, 1997

Our constitution should embody the highest principles of good government. These principals should be fair and apply equally to all citizens. Measures 92 and 98 are not fair, and do not apply equally to all citizens. They are meant to eliminate the voices of working people from participating in the political process.

Consider this.

- Some sponsors of measures can raise money to further their political agenda with a few phone calls to big contributors. Working people of more modest means must pool their resources in small amounts in order to be heard above the clamor of corporate and moneyed interests.
- Working people use payroll deductions for personal banking, making charitable contributions and to support their unions and professional associations. The Sizemore measures 92 and 98 are meant to eliminate these options.
- Measures 92 and 98, by attacking the use of payroll deductions, attempt to still the voices of employees, while they do nothing about the free flow of checks, cash and gifts that come from wealthy contributors and corporations.

These attempts to restrict participation of working Oregonians in the political process of their state is a betrayal of the initiative system which was established to broaden participation in government. This repeated attempt to restrict the collective voice of working people, while leaving unaffected the major sources of big money contributors, should be rejected by voters.

**Don't Let Our Constitution Be Used for Unfair Politics**

**Vote "No" on Measures 92 and 98.**

**Lawrence Perry, President  
Oregon Common Cause**

*(This information furnished by Larry Perry, Chair, Oregon Common Cause.)*

*(This space purchased for \$500 in accordance with ORS 251.255.)*

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## ARGUMENT IN OPPOSITION

**Bill Sizemore's 92 and 98 will hurt Oregon workers**

**Special interests are using both 92 and 98 to block real reforms. Why are corporate donations not addressed by these measures? We work hard for our money — we should be able to use it for political purposes like anyone else.**

Sizemore, the sponsor of 92 and 98, is singling out payroll deduction because he knows we have to gather our smaller contributions together in order to be heard in the political arena.

**Sizemore's supporters can write \$50,000 checks to his campaigns, while most of us can only contribute a little at a time. Payroll deduction helps us pool our funds. Take that away, and you take away our right to be heard.**

Sizemore says these measures will protect us, but we are already protected from having to make political contributions. Many of us already exercise that right. In fact, Sizemore knows we are already protected. He signed an official Explanatory Statement in this very Voters' Pamphlet that says, "Under current law ... Neither unions nor any other organization can require political contributions." (Measure 92 Explanatory Statement, second paragraph).

The real aim of this measure is to silence us — working Oregonians. Please vote "no" on 92 and 98 and preserve our freedoms.

Signed,

- Veda Shook, Flight Attendant, Flight Attendants 39, Portland
- Barbara Ramirez, Clerk, Teamsters 206, Eugene
- Robert Stewart, City Plumbing Inspector, Plumbers and Steamfitters 290, Florence
- Gayla Asanov, Custodian, Service Employees 49, Corvallis
- Carol Bridges, Operator, Communications Workers of America 7904, Salem
- Joseph Tam, Civil Rights Investigator, Oregon Public Employees Union 839, Portland
- Dick Fisher, Wireman, Electrical Workers 280, Jefferson
- Ron Lopez, Community College Instructor, State, County and Municipal Employees 3763, Ontario
- Mike Sullivan, Roll Turner, Steelworkers 8378, McMinnville
- Rito Sanchez, Shoemaker, United Food and Commercial Workers 555, Portland
- Robert Whitehead, Bread Checker, Bakers and Grain Millers 114, Hubbard
- Jim Wilson, Carpenter, Carpenters 2067, Medford

*(This information furnished by Tim Nesbitt, Oregon AFL-CIO Committee on Political Education.)*

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# Measure No. 92 Arguments

## ARGUMENT IN OPPOSITION

### GOVERNOR KITZHABER URGES YOU TO VOTE "NO" ON AMENDMENT 92

Amendment 92 is being billed as a way to protect workers' rights — but it does just the opposite. I care deeply about workers' rights, and this amendment is unnecessary and unfair. I invite all Oregonians to join me in keeping 92 out of Oregon's Constitution.

#### Workers don't need this "protection."

Supporters of 92 say workers need this law to protect them from being forced to make a contribution to their union's political fund. This simply is untrue. All workers in the United States have the right to "opt out" of paying for their union's political activities, and courts as high as the U.S. Supreme Court have reinforced those rights. In addition to having ample legal protections, union members have the power and responsibility to change what they don't like about their union's political activities.

#### It's intrusive to workers' privacy.

When I look at 92, I see an amendment that is intrusive to workers' privacy. See for yourself in the Explanatory Statement: If 92 becomes part of our Constitution, every worker who makes a political contribution via payroll deduction will have to report it to his or her employer. I believe that political contributions are a deeply personal matter. Would you want to disclose your political activities to your employer? Would you want your neighbors to have to?

#### It's unfair to charitable organizations.

I am concerned about amendment 92's effects on charitable organizations. Hard-working Oregonians have long used payroll deduction as a simple and effective way to contribute to groups like United Way, Habitat for Humanity, and the Oregon Humane Society. Amendment 92's requirement for written permission would make that process unnecessarily cumbersome. This is unfair to charities, to the populations they serve, and to the workers who wish to keep their contributions a personal matter.

### PROTECT OREGON'S WORKERS AND CHARITIES VOTE "NO" ON AMENDMENT 92

Governor John A. Kitzhaber, M.D.

*(This information furnished by John A. Kitzhaber, M.D., Governor of Oregon.)*

*(This space purchased for \$500 in accordance with ORS 251.255.)*

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## ARGUMENT IN OPPOSITION

### UNITED WAY ASKS FOR YOUR 'NO' VOTE ON 92: IT WILL TAKE RESOURCES AWAY FROM OREGONIANS IN NEED

The United Way is Oregon's largest human services fund-raising organization. Our agencies help seniors, children, disabled citizens, and many other people with special needs. Because many of our non-profit member agencies inform the legislature on matters that affect the people we serve, our work and theirs is considered "political" and would be seriously impacted by amendment 92.

If amendment 92 passes, it will require United Way and the individual non-profit agencies who provide services to collect a signature to approve our legislative contacts from every supporter we already have — that's thousands and thousands of redundant signatures, every year.

**At best, this requirement would distract from our focus on delivering meals to senior citizens and helping children learn to read. At worst, it would make workplace giving campaigns so cumbersome and risky, that non-profits would stop using it. And that would be devastating to the people we serve.**

Please vote "no" on 92.

Signed,  
**Members of the Board of Directors, and Staff  
The United Way of the Mid-Willamette Valley**

Russell Beck, Executive Director  
Robert Ruck, Chair of the Board  
Gregory Astley  
Randall Franke  
George Gent  
Tom Golden  
Carolyn Gorsuch  
Judy Grant  
Delilah Ginther  
Stacy Hartline  
George Jennings  
Paul Krissel  
Jennifer Larsen Morrow  
Keeta Lauderdale  
Kay Marikos  
Ed Martin  
Raquel Moore-Green  
Don Myers  
Lee Pelton  
Bruce Rogers  
Ted Stang  
Betty J. Youngblood

*(This information furnished by Paul Krissel, Member of the Board.)*

*(This space purchased for \$500 in accordance with ORS 251.255.)*

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# Measure No. 92 Arguments

## ARGUMENT IN OPPOSITION

### Measure 92 is a violation of my privacy, and maybe yours, too.

This law will require me to sign a form and give it to my employer every year if I want to make a political contribution through payroll deduction. Amendment 92 will force me to reveal to whom I'm donating my money. This measure may affect you, your family, and your neighbors and friends, as well.

### Measures 98 and 92 are unnecessary:

I should know, I have exercised my right to "opt out" of contributing to my union's political fund, without any hassle whatsoever. This law would not protect my right to "opt out," but it would make "opting in" more difficult than ever before. That's not fair to me or to any other Oregon worker who would be targeted by this measure.

The law says my job is secure regardless of whether I contribute, and I have seen firsthand that it's true. No employee can be forced to contribute to a union's political campaign. So says the U.S. Supreme Court; so says the Official Ballot Title Summary; and so says Bill Sizemore in the Explanatory Statement he signed off on. That kind of backup is good enough for me.

### Please vote "no" on 92.

### It doesn't give me rights. It takes my rights away.

Sincerely,  
Danielle Fischer

*(This information furnished by Danielle Fischer.)*

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## ARGUMENT IN OPPOSITION

### A Teacher Speaks Out Against 92

**Every Oregonian should have the right to have his or her voice heard.** It's not right that only certain groups – those with big money or backed by corporations – have a voice.

**Measure 92 is a poorly crafted solution for a problem that doesn't even exist.** I am an elementary school teacher and I love my job. I'm also a member of the Oregon Education Association. I choose to participate to have a voice in the policies that shape my students' education.

Laws already exist that say I can't be forced to contribute to my Association's political or legislative activities. The truth is, I do participate because so much of what happens in my classroom is now based in politics — how my school is funded, what benchmarks my students must pass, and whether my students have enough to eat.

### 92 is cumbersome

Annual permission slips and the extra work they would require for the school administration and individual teachers would shift the focus from working together for students to working out political differences.

Measure 92 does not belong in Oregon's Constitution. It's unfair, far-reaching and inappropriate. And, it's a bad lesson to teach Oregon's students.

**Please join other Oregon public school teachers and me. Vote NO on 92.**

Sincerely,  
Kelvin Calkins  
Elementary School Teacher

*(This information furnished by Kelvin Calkins.)*

*(This space purchased for \$500 in accordance with ORS 251.255.)*

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# Measure No. 92 Arguments

## ARGUMENT IN OPPOSITION

### DON'T WASTE PUBLIC FUNDS VOTE "NO" ON MEASURE 92

**Measure 92 will set up an expensive, useless archive of paperwork.** As public employers, we believe this will increase our costs and reduce our ability to serve the higher education needs of Oregonians.

**Measure 92 is contrary to the Higher Education Administrative Efficiency Act.** Since the passage of SB 271 in 1995, we have saved more than \$3.5 million a year by streamlining personnel, contracting, purchasing and other business functions. We have supported more than 2,000 Oregon resident undergraduate students each year with the savings. Now, Measure 92 would eat into these efficiency savings, by requiring the creation and storage of a paper form for thousands of our employees each year, and redirection of support staff from important duties to this "make-work" project.

**Measure 92 is a solution without a problem.** Under the labor agreement we have negotiated with our employees, any classified worker who wants to pay for representation costs only, and avoid any other expenses of union membership, can do so. Our electronic payroll system automatically makes the deduction without continuing cost. Measure 92 would replace this efficient, agreed-to process with cumbersome, old-fashioned paper forms, one for every employee, one for every year. This is exactly the kind of costly, useless program the authors of this measure say they oppose.

### DON'T WASTE TAX DOLLARS VOTE "NO" ON MEASURE 92

David Frohmayer President, U of O *	Paul Risser President, OSU *	Daniel Bernstine President, PSU *
Betty Youngblood President, WOU*	Joseph W. Cox Chancellor Oregon University System*	

\* Titles used for identification purposes only, and do not constitute a position on this measure by any institution of the Oregon University System or the Oregon State Board of Higher Education.

*(This information furnished by Grattan Kerans.)*

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## ARGUMENT IN OPPOSITION

### Don't Silence Police Officers and the Work we do for Our Communities Say No to 98 and 92

**These measures would hurt Oregon communities.** If Measures 98 and 92 pass, we will be shut out of the political process, and Oregon will lose valuable input that has made our streets safer for everybody. We have worked hard to pass laws to protect Oregon's communities, including:

- Passing legislation that broadens drunk-driving laws to include driving under the influence of inhalants;
- Making drunk driving a felony if the driver has previously been convicted of three or more drunk-driving offenses;
- Proposing legislation that would keep convicted felons from possessing body armor that could be used to shield them when they commit their next crime.

**98 and 92 are unfair.** Measures 92 and 98 would single us out and threaten our freedom to participate in the political process.

**These measures are unnecessary.** We already have the right not to participate. The right to "opt out" of political dues is protected under the law. We simply want to protect our right to "opt in" without a big hassle.

**Every day we put our lives on the line protecting and serving Oregonians.** We are asking for your help now to protect our rights as equal citizens under the Oregon Constitution.

**Help us make Oregon's communities safer for everybody.  
Vote "no" on 98 and 92.**

Association of Oregon Corrections Employees  
Bend Police Association  
Federation of Oregon Parole and Probation Officers  
Hillsboro Police Officers Association  
Keizer Police Association  
Lane County Peace Officer's Association  
Lincoln Co. Deputy Sheriff Association  
Multnomah County Corrections Officers Association  
Oregon Council of Police Associations  
Oregonians for Public Safety  
Oregon State Police Officers' Association  
Portland Police Association  
Redmond Police Officers Association  
Roseburg Police Employees Association  
Tigard Police Officers' Association  
Springfield Police Association  
Eugene Police Employees Association  
Deschutes County Sheriff Employees Association

*(This information furnished by Martin Lerner, Oregonians for Public Safety.)*

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# Measure No. 92 Arguments

## ARGUMENT IN OPPOSITION

### Measure 92 Unfairly Restricts Our Right to Use Payroll Deductions To Support the Organizations of Our Choice

Measure 92 is unfair to us as workers and citizens. Like Measure 98, this constitutional amendment unfairly restricts our right to use payroll deductions to support the organizations of our choice.

Through payroll deductions, we pool our resources to make our voices heard on issues that affect our lives. We use payroll deductions to support our unions and to make contributions to charities. But Measure 92 would unfairly restrict the right of these organizations continue to represent our interests and to fulfill the purposes for which we support them.

Measure 92 is so restrictive that:

- Each of us and our co-workers would have to sign separate permission slips before our union could write a letter to a legislator or even urge our own members to support or oppose a piece of legislation; or,
- Employers would have to approve separate payroll deductions for the funds we authorize for political advocacy. This would inject politics into our workplaces, breach the privacy of our political choices and give employers control over our participation in the political process.

**It is unfair to single out working people and attempt to limit our right to participate in the political process by restricting our use of payroll deductions.**

**But Measures 92 and 98 are not only unfair; they are also unnecessary. We already have the right to opt out of paying for political expenditures with which we disagree.**

Please join us in rejecting these unfair and unnecessary constitutional amendments. Protect our right to use payroll deductions to support the organizations of our choice.

Vote "No" on Measures 92 and 98.

**Cindy Sloan**  
**Meat Wrapper**  
 United Food and Commercial Workers 555  
 Salem

**Paul Esselstyn**  
**Fire Captain**  
 International Firefighters 1395  
 Springfield

**Oakley Taylor**  
**Oiler-Fire Protection**  
 Paper, Allied, Chemical, Energy Union 8-406  
 Bend

**Britt Cornman**  
**Production Worker**  
 Machinist Lodge 1005  
 Aloha

*(This information furnished by Tim Nesbitt, Oregon AFL-CIO Committee on Political Education.)*

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## ARGUMENT IN OPPOSITION

### Public Service Workers Say NO to Measure 92

We are the workers who provide public services throughout our state. We are proud of the work we do for you and we are proud union members.

Bill Sizemore's Measures 92 and 98 will hurt rank and file union members. They attack our rights to make small political contributions through payroll deductions. Some people may be able to write checks to candidates or for ballot measures of \$10,000, or more. We cannot. Only by setting aside a small amount each month are we able to get our story told. **Taking that right away is UNFAIR.**

In our union, members make the rules. We don't need Bill Sizemore to tell us how to operate our union.

**This measure is UNNECESSARY.** Many union-represented workers decide not to make political contributions through our union. That's their choice and federal law. The way this measure is written, it would deprive thousands of hard-working Oregonians a public voice.

**Please VOTE NO on 92.**

Ellen Jackson, Office Worker, Klamath Falls  
 Glenda Short, Trainer, Eugene  
 Charles Spray, Physician, Salem  
 Nancy Magill, Case Manager, Portland  
 Deborah Dombrowski, Library Worker, Corvallis  
 Melody Williamson, Office Worker, Independence  
 Bart Lewis, Accounting Technician, Eugene  
 Barbara Hopkins, Office Worker, Salem  
 Mike Wendel, Maintenance Worker, Bend  
 Mark Gronso, Electrician, Pendleton  
 Monty Walters, Mental Health Specialist, Ashland  
 Gwelda Shepardson, Case Manager, Roseburg  
 Karen Cummins, Child Protective Services, Coos Bay  
 Rosalie Pedroza, Oregon Health Plan, Salem  
 Sue Martinez, Cook, Eugene  
 Linda DeLucia, Employment Claims, Portland  
 Randy Davis, Maintenance Worker, Clatskanie  
 Alice Grimes, Retired Library Worker, Medford  
 Larry Williams, Apprenticeship Representative, Springfield  
 Rosanne Richard, Project Coordinator, Salem  
 Kym Lamb, Case Manager, Portland  
 John Ekberg, Natural Resource Specialist, Corbett  
 Geraldine Ruatta, Case Manager, Grants Pass  
 Vickie O'Reilly, Employment Specialist, Beaverton  
 Jesse Backman, Forestry Worker, Bay City  
 Elizabeth Duell, Office Worker, Salem

All members of Oregon Public Employees Union, SEIU Local 503

*(This information furnished by Terrence Cavanagh, Oregon Public Employees Union, SEIU Local 503.)*

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# Measure No. 92 Arguments

## ARGUMENT IN OPPOSITION

### Democrats outline far-reaching effects of Measures 98 and 92

Because these two measures are poorly written and far-reaching, they have a broad base of opposition. A wide variety of Oregonians who may not agree on everything — Democrats, Republicans, charities, environmental groups, businesses and unions — are all supporting a “no” vote on these measures. Here’s why:

- 98 and 92 aim to block the participation of working Oregonians from the political process. Everyone has the right to be heard, no matter where they stand on the issues.
- 98 and 92 would weaken charities. By placing restrictions and the risk of penalties in the way of charities that advocate for the people they help, these measures will reduce the amount of work they can do. We need these charities to provide support for the thousands of Oregonians who benefit from them.
- 92 brings politics into the workplace. If this measure passes, all Oregonians who contribute via payroll deduction will have to tell their employer when they decide to make a political contribution. That’s a violation of privacy.

Keep the Constitution fair for everybody. Vote “no” on 98 and 92.

- Earl Blumenauer**, U.S. House of Representatives  
**Bill Bradbury**, Secretary of State  
**Kate Brown**, Senate Democratic Leader  
**Tony Corcoran**, State Senator  
**Peter Courtney**, State Senator  
**Peter DeFazio**, U.S. House of Representatives  
**Randall Edwards**, State Representative  
**Dan Gardner**, State Representative  
**Avel Gordly**, Oregon State Senator  
**Gary Hansen**, State Representative  
**Darlene Hooley**, U.S. House of Representatives  
**Elaine Hopson**, State Representative  
**Randy Leonard**, State Representative  
**Kathy Lowe**, State Representative  
**Jeff Merkley**, State Representative  
**Hardy Myers**, Attorney General  
**Barbara Roberts**, Former Oregon Governor  
**Diane Rosenbaum**, State Representative  
**Kurt Schrader**, State Representative  
**Frank Shields**, State Senator  
**Peter Sorenson**, Lane County Commissioner  
**Beverly Stein**, Chair, Multnomah County Board of Commissioners  
**Cliff Trow**, State Senator  
**Vicki Walker**, State Representative  
**David Wu**, U.S. House of Representatives  
**Ron Wyden**, U.S. Senate

*(This information furnished by Barbara Roberts, Former Governor of Oregon.)*

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## ARGUMENT IN OPPOSITION

### Republicans Oppose Unnecessary and Unfair Constitutional Amendments

#### “No” on 92 and 98

Some people will be surprised at the strong Republican opposition to these measures. The truth is, the wide variety of opposition to 92 and 98 reflects the far-reaching consequences these proposed Constitutional amendments will have on Oregon.

**92 and 98 are unnecessary and unfair.** These measures are unnecessary because all workers already have the option to not fund their union’s political activities. They’re unfair because they single out one group and take away their ability to participate in the political process.

**They hurt charitable organizations.** Because many charities speak up on behalf of their members in order to be effective, their work is considered “political” by these measures would be subject to the stringent rules set forth by both amendments. For groups like the United Way and the Muscular Dystrophy Association, that means fewer funds from the generous Oregonians who have been contributing from their own paychecks for years.

If Oregonians with special needs can count less on charities for support, chances are they will need more public services to make up the difference. With our state budget constrained as it is, one wonders where the money would come from to provide these services.

**No matter the politics of working Oregonians, it is not right to unfairly single them out and take away their rights.**

**It’s not right to make funds harder to raise for charities like the United Way, Muscular Dystrophy Association, and groups that help senior citizens. These groups provide a valuable public service and need our “no” vote on these measures.**

Join us in voting NO on 98 & 92.

- Jack Roberts**, Oregon Labor Commissioner  
**Mark Simmons**, Majority Leader, Oregon House of Representatives (Elgin)  
**Max Williams**, State Representative (Tigard)  
**Lane Shetterly**, State Representative (Dallas)  
**Vic Backlund**, State Representative (Keizer)  
**Tom Butler**, State Representative (Ontario)  
**Jim Hill**, State Representative (Hillsboro)  
**Bill Witt**, State Representative (Portland)  
**Randy Franke**, Marion County Commissioner

*(This information furnished by Jack Roberts, Labor Commissioner.)*

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# Measure No. 92 Arguments

## ARGUMENT IN OPPOSITION

**We, the undersigned Community Advocates, Environmentalists and Educators, urge you to vote “no” on 92.**

We have offered our endorsement here because our organizations and the community we work to support all stand to lose under Measure 92. The additional paperwork, accounting practices and risk of penalties mandated by this measure would make working to fulfill our missions more difficult and in some cases nearly impossible. Please consider the valuable services we provide as you consider your vote.

**Please Vote No on 92!**

### ENVIRONMENTAL:

Environmental Federation of Oregon  
 Forest Service Employees for Environmental Ethics  
 Friends of the Columbia Gorge  
 Oregon Environmental Council  
 Oregon League of Conservation Voters  
 Oregon Natural Resources Council  
 Oregon State Public Interest Research Group  
 Pacific Rivers Council  
 Recycling Advocates  
 Sierra Club

### COMMUNITY ADVOCATES

Basic Rights Oregon  
 Coalition for a Livable Future  
 Community Alliance of Tenants  
 Eugene-Springfield Solidarity Network  
 Mid-Willamette Valley Jobs With Justice  
 Oregon Action  
 Oregon Common Cause  
 Oregon Consumer League  
 Portland Jobs with Justice  
 Portland New Party  
 Rural Organizing Project  
 Victim Offender Reconciliation Program / Community Mediation  
 Services of Polk County  
 Western States Center

### EDUCATORS

Association of Oregon Faculties  
 Confederation of Oregon School Administrators  
 Oregon Education Association  
 Oregon School Boards Association  
 Portland Community College Faculty Federation  
 Portland State Advocates  
 Salem Keizer School Board  
 The Oregon PTA  
  
 Mark Abrams, Vice-Chair, Portland School Board  
 Gordon Matzke, Faculty Member, Oregon State University  
 Henry Sayre, Faculty Member, Oregon State University  
 William Smaldone, Willamette University Professor and Salem City Council Member

*(This information furnished by Roger Gray, Coalition Against Unnecessary and Unfair Constitutional Amendments.)*

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## ARGUMENT IN OPPOSITION

**MEASURE 92 IS UNNECESSARY, UNFAIR, AND A THREAT TO ALL WORKERS' PRIVACY:**

**VOTE “NO” ON 92!**

**Signed, the working men and women of:**

AFSCME, Council 75  
 American Federation of Teachers-Oregon  
 Association of Engineering Employees of Oregon  
 Association of Western Pulp & Paper Workers OR/ID Council  
 Bricklayers & Allied Craftworkers Local 1  
 Cement Masons Local 555  
 Columbia Pacific Building & Construction Trades Council  
 Communications Workers of America Local 7901  
 Elevator Constructors Local 23  
 Heat and Frost Insulators & Asbestos Workers Local 36  
 IBEW Locals 48, 112, 280, 659, 932, 970  
 International Alliance of Theatrical & Stage Employees Local 488  
 International Longshore and Warehouse Union-Columbia River District Council  
 International Union of Painters and Allied Trades Dist. Council 5  
 Ironworkers Locals 29 and 516  
 Laborers Locals 121, 320, 483  
 Lane, Coos, Curry, Douglas County Building Trades Council  
 National Association of Letter Carriers Branch 82  
 Northwest Oregon Labor Council, AFL-CIO  
 Operating Engineers Local 701  
 Oregon AFL-CIO  
 Oregon Education Association  
 Oregon Machinists Council, District Lodge 24  
 Oregon Nurses Association  
 Oregon Public Employees Union, SEIU Local 503  
 Oregon School Employees Association  
 Oregon State Building and Construction Trades Council  
 Oregon State Fire Fighters Council  
 Pacific Northwest Regional Council of Carpenters  
 Painters and Tapers Locals 724, 1236, 1277  
 Pendleton Building Trades Council  
 Pineros y Campesinos Unidos del Noroeste (PCUN)  
 Plasterers Local 82  
 Portland Community College Federation of Classified Employees Local 3922  
 Portland Fire Fighters Association  
 Roofers Locals 49, 156  
 Salem Building Trades Council  
 SEIU, Oregon State Council, Local 49  
 Sheet Metal Workers Local 16  
 Southern Oregon Area Local, American Postal Workers Union  
 Teamsters Joint Council #37  
 United Association of Plumbers and Steamfitters Local 290  
 United Food and Commercial Workers Local 555  
 United Steelworkers of America  
 WA/OR/ID State Conference of Bricklayers and Allied Craftworkers

*(This information furnished by Grant Zadow, IBEW Local 48.)*

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# Measure No. 92 Arguments

## ARGUMENT IN OPPOSITION

### OREGON CONSERVATION AND ENVIRONMENTAL GROUPS URGE YOU TO VOTE "NO" ON 92

#### Oregon voters support innovative solutions.

One of the things that make Oregon great is that we have healthy political debates. People on all sides get to weigh in on the issues, and we end up with innovative solutions like the Bottle Bill.

#### Measure 92 is not innovative reform.

It requires working Oregonians to jump through special hoops just to participate in the political process. It forces them to disclose their political payroll deductions — their own hard-earned money — to their employers and the government. That is an invasion of privacy that is unfair to place on any group, and it's even worse when it's applied to some groups and not others.

#### Amendment 92 puts nonprofits like ours at risk.

When we work to preserve treasures like Mount Hood and Steens Mountain, we often need to speak with elected officials. Because this is political work, it would be very risky for us to accept the much-needed payroll-deducted funds that have supported the environmental community for years.

#### Amendment 92 could inhibit the following activities:

- Protecting Oregon's farm and forest lands
- Protecting wilderness habitat
- Protecting Mt. Hood from development
- Enforcing clean water laws
- Preserving Steens Mountain
- Monitoring chemical incineration at Umatilla

**Please join us in saying no to this unfair amendment. Oregon's Constitution is there to protect our rights, not take them away.**

**Vote "NO" on 92!**

Signed,

Environmental Federation of Oregon  
 Forest Service Employees for Environmental Ethics  
 Friends of the Columbia Gorge  
 Oregon Environmental Council  
 Oregon League of Conservation Voters  
 Oregon Natural Resources Council  
 Oregon State Public Interest Research Group  
 Pacific Rivers Council  
 Recycling Advocates  
 Sierra Club

*(This information furnished by Carol Porto, Chair, Sierra Club.)*

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## ARGUMENT IN OPPOSITION

### ACLU OF OREGON RECOMMENDS A "NO" VOTE ON MEASURE 92

Measure 92 would use the Constitution to mandate an unnecessary and unfair process in Oregon. The American Civil Liberties Union recommends a "no" vote on this measure.

#### IT'S UNNECESSARY

Workers won't benefit from this measure because the law already protects them from having to make political contributions. Several high courts including the United States Supreme Court have upheld the right of all workers to opt out of making political contributions. Thousands of Oregonians already do so.

#### IT VIOLATES PRIVACY

Amendment 92 violates privacy by bringing politics into the workplace. Year after year, employees would have to file forms with their employer in order to make a political contribution through payroll deduction. Think of the possible effects: HMO workers might be afraid to go against their employers' political views — those who do could be harassed. The Constitution is there to protect privacy, not violate it.

#### IT LIMITS THE RIGHT TO BE HEARD

Measure 92 singles out workers' methods of giving — without even addressing the ways businesses and corporations give. Putting unnecessary obstacles in front of workers is not fair. Everyone has the right to be heard.

#### IT DOESN'T BELONG IN OREGON'S CONSTITUTION

Laws similar to measures 92 and 98 have been overturned in Nevada and Ohio because they limit the rights of working people to participate in the political process. Here in Oregon, they could be tied up in courts for years, if they pass.

### KEEP THE OREGON CONSTITUTION FAIR FOR EVERYBODY

### PROTECT THE PRIVACY OF OREGON'S WORKERS

### VOTE "NO" ON MEASURE 92

**David Fidanque, President  
American Civil Liberties Union of Oregon**

*(This information furnished by David Fidanque, American Civil Liberties Union of Oregon.)*

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# Measure No. 92 Arguments

## ARGUMENT IN OPPOSITION

**We, the undersigned charities, advocates and businesses, urge a "NO" vote on proposed Constitutional amendment 92.**

Workplace giving programs make it easy for businesses and their employees to contribute to the charitable organizations of their choice. Measure 92 would put that valuable funding source at risk. The limited resources and staff time should be spent working toward their mission, not compromised by unnecessary paper work and accounting procedures. **Please join us in working to help support Oregon's charities and nonprofits and the great work they do.**

**Vote No on Measure 92!**

**CHARITIES/ADVOCATES:**

Advocacy Coalition for Seniors and People with Disabilities  
 American Association of University Women of Oregon  
 American Civil Liberties Union  
 Canyon Crisis Center  
 Children First for Oregon  
 Ecumenical Ministries of Oregon  
 House of Zion Ministries, Inc.  
 Human Services Coalition of Oregon  
 League of Women Voters of Oregon  
 Mid-Valley Women's Crisis Service  
 Muscular Dystrophy Association, Inc.  
 National Committee for Responsive Philanthropy  
 Oregon Alliance of Children's Programs  
 Oregon State Council of Senior Citizens  
 Oregonians for Public Safety  
 Portland Gray Panthers  
 Salem Childbirth Education Association  
 United Seniors of Oregon  
 United Way of the Mid-Willamette Valley  
 United Way of Columbia County  
 Willamette Valley Child Care Federation

**BUSINESSES:**

Associated Business Systems  
 B'For Publishing Services  
 B.D. Consulting, Inc.  
 Bennett, Hartman & Reynolds Attorneys at Law  
 Brice's Catering  
 C & E Systems, LLC  
 Celilo Group  
 Charles R. Williamson, Attorney, Kell Alterman & Runstein, LLP  
 Clackamas County Veterinary Clinic  
 Discover Mortgage-North Greeley Branch  
 FamilyCare, Inc.  
 Labor's Community Service Agency, Inc.  
 LGD Insight, Ltd.  
 Mark E. Horstmann, CPA  
 Microtech Systems  
 Pac/West Communications  
 Portland Teachers Credit Union  
 Smith, Gamson Diamond & Olney Attorneys at Law  
 The Bentley Gilbert Firm  
 Three Rivers Farm  
 Unions-America.com  
 Wisner & Associates

**BUSINESS ASSOCIATIONS:**

National Electrical Contractors Association (NECA), Oregon-Columbia Chapter  
 Oregon Association of Hospitals and Health Systems  
 Oregon Credit Union League  
 Osteopathic Physicians and Surgeons of Oregon

*(This information furnished by Mike Fahey, President, Discover NW Union Mortgage; Gina Mattioda, Co-Chair, Human Services Coalition of Oregon.)*

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## ARGUMENT IN OPPOSITION

Commissioner Sorenson Urges a No Vote on Measure 92

Dear Oregon Voter,

My name is Peter Sorenson and I live in Eugene. I'm an elected Lane County Commissioner and former elected Oregon State Senator.

Lane County Commissioners recently voted to pass a Workplace Justice Resolution that guarantees workers the right to organize. I was a strong advocate for that resolution.

With measure 92, Bill Sizemore would undermine the benefits that charities and others gain through the use of voluntary worker payroll deductions.

Measure 92 uses a Constitutional amendment to mandate complex internal auditing systems for workplace donations. It would require tracking of each donation separately and new permission forms annually. Few employers would choose to be involved in this costly and cumbersome process.

Measure 92 would require charities to use their limited resources to collect written permission slips from donors. The costs and difficulties involved would drastically reduce the amount of money charities currently receive. Oregonians would lose vitally important services that charities provide. **This measure would harm our charities and all those they serve.**

Measure 92 would require employees to fill out a form whenever they contribute to a politically active group. This measure could discourage political involvement. Political participation is a personal decision. We rely on the Constitution to protect privacy, not to invade it.

Similar measures have been overturned or tied up in court in other states for years. Oregonians would be harmed by the huge expense of defending a constitutional amendment that interferes with our rights.

Thanks,

Peter Sorenson

This is the most recent of a long list of bad legislation favored by special interests. **IT MUST BE DEFEATED.**

*(This information furnished by Peter Sorenson.)*

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# Measure No. 92 Arguments

## ARGUMENT IN OPPOSITION

Caregivers for the Elderly and Disabled Say: No on 92 and 98  
We provide care for the elderly and disabled.

We prepare and feed meals. We help our clients with medical treatment and taking prescriptions. We bathe and dress our clients. **We do the tasks that allow our clients to maintain their dignity and live independently. Our state's elderly and disabled remain in their homes and are not shipped off to nursing homes because of the work we do.**

**For us to provide adequate care, we need to have a voice on the job.** Our jobs are publicly funded by the legislature. Politicians won't understand what it takes to properly care for the elderly unless we can tell those legislators. We need to educate them about working conditions because politicians set the work rules. We need to tell them about patient needs because they set the funding levels for patient care.

**Measures 92 and 98 effectively silence our voices** because we fund our political activity – like educating legislators on care for the elderly -- through payroll deductions. We can't write \$50,000 checks to politicians – most of us make about \$8/hour. We just want to have our voice heard so we can improve the quality of care our clients receive and so we can improve our training, benefits and working conditions.

**We oppose Measures 92 and 98. Measures 92 and 98 are unfair and unnecessary. Working people need a voice.**

**Caregivers for the elderly and disabled:**

- Esther Doramus, Eugene
- Risa Northway, Oregon City
- Rita Sparks, Eugene
- Diane Chandler, Coos Bay
- Kimberly Powell, Eugene
- Caroline Mitchell, Bandon
- Tena Vasquez, Oregon City

*(This information furnished by Risa Northway.)*

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## ARGUMENT IN OPPOSITION

Traditionally, Oregonians have been against any ballot measures that target a single group.

Supporters of Measure 92 are hoping you overlook that fact when you vote.

Measure 92 is also a proposed constitutional amendment, and Oregonians have been clear that we don't wish to clutter the Oregon Constitution with this kind of nonsense. Because Measure 92 is another misleading proposal that might sound OK at first reading, but is actually full of unintended consequences.

Measure 92 proponents want you to believe this is a simple measure, and that it would "only" require unions to get written annual authorization from their members in order to collect dues money used for political purposes.

In fact, Measure 92 is a thinly-veiled attempt to single out union members and deny them a freedom of choice that all other Oregonians enjoy.

Moreover, Measure 92 is a solution in search of a problem. **Union members already have the right to "opt out" of political dues if they so desire.**

Here's an example. In Oregon, AFSCME represents about 20,500 public employees. Of that total, roughly 3,500 are "fair share" members — those who, for whatever reason, choose not to join the union but are still covered by its contracts. Each year, "fair share" members receive a letter outlining our political program, and are offered a rebate on that portion of their dues. On average 425 request that rebate. **And at AFSCME, we even offer a similar rebate to dues-paying members.**

The point is, **there's already a "fair" system in place.** But Measure 92 threatens charities and other groups that receive voluntary deductions, all because of how "political money" is defined in the measure.

Don't be misled by Measure 92. It's not for Oregon, and it surely has no place in the Oregon Constitution. Join us and Vote NO! on Measure 92.

**Lanny Spriggle, Pendleton**  
**AFSCME Local 1393 (Umatilla Co. Road Dept.)**

**Robin Mariani, Portland**  
**AFSCME Local 189 (Portland 911 Dispatch)**

*(This information furnished by Don Loving, Oregon AFSCME Council 75.)*

*(This space purchased for \$500 in accordance with ORS 251.255.)*

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# Measure No. 93

Proposed by initiative petition to be voted on at the General Election, November 7, 2000.

## BALLOT TITLE

### **93 AMENDS CONSTITUTION: VOTERS MUST APPROVE MOST TAXES, FEES; REQUIRES CERTAIN APPROVAL PERCENTAGE**

**RESULT OF "YES" VOTE:** "Yes" vote means voters approve taxes, fees by certain approval percentage; may repeal recent increases.

**RESULT OF "NO" VOTE:** "No" vote retains current rules for approving, increasing taxes, fees; maintains previously approved taxes, fees.

**SUMMARY:** Amends Constitution. Currently voters approve taxes by majority vote; not all new, increased taxes, fees require voter approval. Measure requires voter approval after November 7, 2000 of most new, increased taxes, fees by same percentage of voters passing this measure. Requires repeal and refund of certain recent tax, fee increases unless voters approve increase. Exempts some charges, bonded indebtedness, public safety levies from new approval requirement. Public vote not required in limited circumstances. Establishes standards for taxpayer challenge, judicial review of tax measures. Other changes.

**ESTIMATE OF FINANCIAL IMPACT:** Additional costs to the state for the November 2002 General Election as a result of this measure are estimated to be \$8.6 million. Costs for each future general election are estimated to be \$4.3 million, adjusted for inflation.

Elections costs to local governments for the November 2002 General Election are estimated to be \$26.4 million. Costs for each future general election are estimated to be \$13.2 million, adjusted for inflation.

The effect on state and local revenue depends on how many taxes, fees and charges that were new or increased in the past two years are not approved by voters at the 2002 General Election.

## TEXT OF MEASURE

### **Be it enacted by the People of the State of Oregon:**

The Constitution of the State of Oregon is amended by creating a new, Section 32a in Article I, which section shall read:

**Section 32a. People's right to approve all taxes.** The purpose of this 2000 Amendment is to ensure that new taxes and tax increases, which further deprive citizens of income and property, are hereafter directly approved by the people. Therefore, except as provided in Section 6 of Article IX, any new tax, fee, or charge, or increase in an existing tax, fee, or charge, shall require approval by the people, as follows:

(1)(a) No new tax, fee, or charge shall be imposed, assessed or levied, and no existing tax, fee or charge shall be increased by the state or any local government or taxing district, unless the new tax, fee, or charge, or increase thereof is first approved in an election held on the first Tuesday after the first Monday of November of an even numbered year, or any other election held on a date which the state legislative assembly has designated as an annual election date on which measures may be placed on the statewide ballot by initiative petition, and the new tax, fee, or charge, or increase thereof, is approved by not less than the percentage of

participating voters who voted "Yes" on this 2000 Amendment. For purposes of this section and subject to subsection (5) of this section, the following shall require only approval by a majority of those voting in the election: (i) a measure to renew an expiring tax levy, which levy solely funds police, fire, or 911 emergency services, the rate or amount of which levy is not greater than the rate or amount of the expiring levy; and (ii) a measure to increase the state motor vehicle fuel tax.

(b) The ballot title and official voters pamphlet explanatory statement for a measure to adopt a new tax, fee or charge; to approve a bond measure; or to increase an existing tax, fee, or charge, shall begin with the words: **A "Yes" vote on this measure is a vote to increase taxes.** The question submitted to voters also shall clearly describe the proposed new tax, fee, or charge, or increase thereof; if the measure is a bond measure, a projection of the total cost of the bond, including interest thereon; and revenue the measure would produce annually.

(c) Nothing in this section shall affect taxes levied for the repayment of bonded indebtedness approved by voters in an election held prior to Nov. 7, 2000, or the issuance of refunding bonds to pay such bonded indebtedness. This section does not require voter approval for the issuance of, or the levy of taxes to pay, bonds issued to repay bonds issued prior to the effective date of this section or issued in conformance with this section.

(2) For purposes of this section, any elimination, limitation, or reduction of a tax exemption, credit, deduction, exclusion, or cost-of-living indexing shall be considered a tax increase.

(3) The following revenues shall not be considered new or increased taxes, fees, or charges for the purposes of this section: user fees charged by Peoples' Utility Districts or port districts; mass transit fares; college or university tuition and fees; incurred charges and assessments for local improvements as defined by Article XI Section 11b of this Constitution; increases in charges for government products and services solely to pass through increased costs of wholesale inputs that are not government employee labor costs, or otherwise under the charging government's control; fines or forfeitures for violation of law; lottery revenue; fees paid to official business and trade associations by those engaged in that business or occupation; earnings from interest, investments, donations, or asset sales; and fees or charges for products or services which may be legally obtained from a reasonably available source other than government, provided that the new or increased fee or charge for the product or service is not greater than the average private sector charge for the same product or service in the same market.

(4)(a) If in the two years previous to the effective date of this section, an existing tax, fee, or charge was increased more than three percent (3%), or a new tax, fee, or charge was adopted or first imposed, the increase in the existing tax, fee, or charge, to the extent it exceeded a three percent increase, and any new tax, fee, or charge, shall be either repealed or submitted to the voters for approval at the next election, if the new or increased tax, fee or charge was not approved by at least the percentage of voters required in paragraph (a) of subsection (1) of this section. If a new tax fee or charge was imposed, or an existing tax, fee, or charge increased in the two years previous to the effective date of this section, and the new tax, fee, or charge or increase in an existing tax, fee, or charge, was not approved in conformance with this section, and not approved by voters at the next election, the amount of the new tax, fee, or charge or excessive increase collected shall be refunded to the payer. Taxes to pay voter approved bonded indebtedness, and taxes, fees, and charges listed in subsection (3) of this section are exempt from the requirements of this paragraph (a) of this subsection (4).

(b) Provided that the amount of a fee or charge does not exceed the actual cost of providing the product or service, the following fees and charges may be increased at a rate not greater than the rate of inflation since the effective date of this section, without a public vote: (i) charges and fees in effect on or before December 6, 1998; (ii) charges and fees first adopted or first effective after

# Measure No. 93

December 6, 1998, if adopted in accordance with this section.

(5) Nothing in this section shall be construed as nullifying the requirement in Section 11 of Article XI of this Constitution that elections for property tax measures, which are voted on in an election held on a date other than the general election, achieve not less than fifty percent (50%) voter participation to be valid.

(6)(a) This section shall not require a vote of the people when increases in government revenue occur solely due to a change in federal tax law, increases in income, or other changes in the circumstances of individual taxpayers. Nothing in this section shall be construed as authorizing an increase in the tax on a property tax in an amount greater than allowed under Article XI of this Constitution.

(b) If, after the effective date of this section, a government temporarily suspends or voluntarily lowers a tax, fee, or charge; the tax, fee or charge may be increased later, without a public vote, to the rate or amount it would have been under this section had the suspension or reduction not occurred.

(7)(a) Subject to Section 1a of Article IX, the Legislative Assembly and Governor may override this section and call for a special election date other than the date(s) set forth in subsection (1) of this section, or may enact by law particular taxes, or authorize particular local taxes, fees, or charges without a vote of the People if such taxes are approved by a three-fourths vote in each house and signed into law by the Governor. Any tax authorized or enacted by such action shall be designated for a specific purpose and shall be in effect no longer than twelve months. Any tax, fee, or charge imposed under this subsection shall be subject to referendum.

(b) Subject to Section 1a of Article IX of this Constitution, if a local Emergency is declared by the Governor, the affected city, county, or local taxing district may override this section for a period not exceeding twelve months, if: (i) the override is approved by not less than a three-fourths vote of the members of the local governing body, and (ii) the continuation of the tax for any remainder of the twelve months is approved by voters voting in an election held within ninety (90) days of the date the emergency is declared, and otherwise adopted in conformance with this section.

(8) The public shall be given reasonable opportunity to comment on the proposed ballot title for any measure to create a new tax, fee, or charge or increase an existing tax, fee, or charge. The ballot title may be challenged in court, and shall be rejected if it is biased, inaccurate, not easily understood, or does not comply with paragraph (b) of subsection (1) of this section.

(9) A government that levies taxes, fees, or charges in violation of this Section 32a shall refund the amount of any tax, fee, or charge collected in violation of this section, plus interest, to taxpayers in the twelve months following the determination of violation. Interest paid shall be computed as the cost of living change plus six percent per year, compounded for the period from collection of the tax, fee, or charge to payment of the refunds. If the cost of issuing the refund is more than twenty percent (20%) of the amount of the refund, a credit may be issued to the appropriate taxpayers.

(10) Because governments have at times been creative at redefining terms, or otherwise creating new funding mechanisms in order to circumvent limitations placed upon them by the people, the legislature, in implementing this section, and the courts in interpreting it, shall apply the strictest scrutiny to any new or renamed government funding mechanism; and shall require in every reasonable circumstance voter approval as required in this section for new or increased taxes, fees, or charges, regardless of the creativity used by the government in designing or naming the funding mechanism. Under this section, certificates of participation and all such funding mechanisms shall be subject to the same limitations and requirements as a bond measure.

(11) Any Oregon taxpayer affected by a new or increased tax, fee, or charge or bond issue subject to this Section 32a has standing

to challenge it, and/or the election authorizing its imposition, by court action commenced in any county in which the taxing entity is located. If the election is held, a tax, fee, or charge is imposed, or a bond is approved, in material violation of this section or any implementing legislation, the court shall declare the tax, fee, or charge or bond void. Such an action shall be commenced within ninety (90) days after the earlier of (i) the date on which the election approving the tax, fee, charge or bond is held; or (ii) the date on which the tax, fee, or charge is first imposed or the bond is approved for issue. The court shall award reasonable attorney fees and costs to the prevailing taxpayer, or if the action is found to be frivolous, to a prevailing government party.

(12) If any phrase, clause, or part of this Amendment is invalidated by a court of competent jurisdiction, the remaining phrases, clauses, and parts shall remain in full force and effect. If any provision of this Amendment is found to violate or infringe upon a right of any person or group under the U.S. Constitution, the provision shall remain in full force and effect for all other persons or groups for which no infringement had been found.

# Measure No. 93

## EXPLANATORY STATEMENT

Measure 93 would amend the Oregon Constitution to require approval by no less than the percentage of voters approving this measure for new or increased taxes, fees or charges proposed by state and local governments, unless exempted. For example, if this measure passes by sixty percent, it will require sixty percent approval of future taxes, fees and charges. It also requires a refund of certain past collections.

Oregon law generally requires voter approval for property taxes, and allows voters to refer other taxes. Fees and charges generally are not subject to voter approval.

Voter approval of new and increased taxes, fees and charges can be given only at the biennial general election or at an annual election if the legislature permits approval of statewide initiatives at that election. However, simple majority approval is required to renew certain police, fire, and 911 levies and for state gas tax increases. All ballots, including those that propose fee and charge increases, must state "A 'Yes' vote on this measure is a vote to increase taxes."

Affected charges range widely from photocopy fees, to parking fees, to sewer and water charges. However, the measure exempts a variety of charges, including Peoples' utility and port districts; mass transit; college and university; charges for anything provided by government which is available from the private sector if the governmental charge does not exceed the average private sector charge in that market; and inflationary increases in certain charges which were in effect on December 6, 1998 or which are approved by voters as the measure requires.

Governments must refund voter approved levies and other fees lawfully imposed or increased more than three percent after December 6, 1998 unless they are exempt or approved by a simple majority of voters at the next election.

The measure does not require voter approval for: increases which result from changes in income, federal tax laws, property values or other changes in individual taxpayer circumstances; actions which alter the distribution of revenues among governments; and voluntary payments to governments which are not imposed, assessed or levied, such as rent for government property or loan payments.

Certificates of participation and similar financing techniques which may be developed in the future are subject to the same limitations and requirements as a bond measure; this does not add new requirements for bonds.

This measure permits the state to impose temporary charges for not more than one year without voter approval. State temporary charges must be: for a specific purpose, approved by a three-fourths vote of each house of the Legislative Assembly, and signed by the Governor.

The measure permits local government emergency taxes for not more than one year if the Governor declares a local emergency, the local governing body approves the tax by a three-fourths vote, and the tax is approved by voters as the measure requires within 90 days after the declaration of emergency.

This measure prescribes procedures for tax elections, ballot title review, the refund of unlawfully collected taxes and court challenges.

**Committee Members:**

Patti Milne  
 Bill Sizemore  
 Mayor Helen Berg  
 Harvey Rogers  
 Fred Miller

**Appointed by:**

Chief Petitioners  
 Chief Petitioners  
 Secretary of State  
 Secretary of State  
 Members of the Committee

*(This committee was appointed to provide an impartial explanation of the ballot measure pursuant to ORS 251.215.)*

93

# Measure No. 93 Arguments

## ARGUMENT IN FAVOR

Measure 93 prohibits new or increased taxes and fees without voter approval. Measure 93 would send the following clear and simple message to elected officials across the state: **It's our money. If you want more of it, from now on you'll have to ask us first.**

Opponents of Measure 93 have said that requiring voter approval of new taxes and fees robs elected officials of their power to govern. They say we should let the people we elect decide how much money it takes to run government.

The problem is, we've been doing that now for decades. The result has been an unbelievable increase in the rate of growth of government spending. And it's not just been taxes that have gone up. Much of the growth has been in the imposition of new fees or huge increases in existing fees. There are literally thousands of government fees in Oregon. Fees have become government's secret weapon. Politicians know we won't let them increase a major tax. So they just get us \$10, \$25, or \$100 at a time with more fees than you can count.

Requiring voter approval of new or increased taxes and fees will require governments to live within their budgets just like our families have to live within ours. However, if they find they need additional money, rather than just take it from us, they will have to persuade a majority of us that they need it.

Measure 93 is an idea whose time has come. A number of other states have passed similar laws, and the results in those states have been surprisingly good. Voters have not said "No" to reasonable requests for money. By the same token, politicians have stopped looking to tax increases as the first way to solve every problem.

Pass Measure 93 and you the voter will decide how much of your money government takes from you.

*(This information furnished by Becky Miller, Oregon Taxpayers United.)*

*(This space purchased for \$500 in accordance with ORS 251.255.)*

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## ARGUMENT IN FAVOR

In 1992, voters in Colorado passed a ballot measure that, like Measure 93, required voter approval of new or increased taxes. The measure is referred to in Colorado as the "Tabor" measure.

The political and cultural elite in Colorado were afflicted with the same kind of hand wringing and high anxiety that is currently afflicting the political class in Oregon over Measure 93.

Public perspective over Colorado's "Tabor" measure has changed dramatically since 1992.

Following are excerpts from a Nov. 7, 1999 editorial in *The Denver Rocky Mountain News*. These comments are written to voters in the state of Washington, who were also facing a No New Taxes Without Voter Approval Measure.

**"Maybe it's time that opponents looked on the bright side. If they will give their new tax initiative a chance, they might find it actually strengthens the political process, rather than destroys it. That's clearly what has happened in Colorado since the passage of Tabor. Here, shifting responsibility for taxes from politicians to the public hasn't resulted in automatic rejection of every spending plan.**

**But while Tabor hasn't straitjacketed government, it has accomplished a number of good things. It has heightened interest in elections and government policy; it has given public officials mandates they otherwise would have lacked; it has shrunk voters' sense of helplessness over the use of their hard-earned taxes; and last, but hardly least, it has strengthened the fiscal responsibility of state and local government."**

These are the words of a newspaper that once opposed requiring voter approval of new taxes. Their advice to Washington voters is good advice to voters and policy makers here in Oregon.

The sky won't fall and the world won't end if we give voters the right to accept or reject new taxes and fees. It will be good for Oregon, just like it has been good for Colorado and the other states that have adopted similar policies.

*(This information furnished by Becky Miller, Oregon Taxpayers United.)*

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# Measure No. 93 Arguments

## ARGUMENT IN FAVOR

The passage of **Measure 93** will require ballot titles for measures regarding tax or fee increases to begin with the words: a **“YES” vote on this measure is a vote to increase taxes.**”

### Imagine

Put a stop to unclear ballot titles! **Vote YES on 93.** Imagine that every time you read a ballot title you will know what a “YES” vote really meant.

Put a stop to sneaky back door political tactics! **Vote YES on 93.** Imagine if you were never again confused about what voting “YES” or “NO” would do.

Put the people back in charge! **Vote YES on 93.** Imagine if it were required by law that a ballot title and official voters pamphlet explanatory statement had to actually **EXPLAIN**, in plain english, what a measure would do.

### Imagine Measure 93

Oregonians have for years been concerned about the actual results of their votes. Many times the people are faced with purposely confusing language filled with double negatives. However the citizens now have some protection in the form of **Measure 93.**

Just think... it was up to the people, not the politicians, to suggest this common sense approach to campaign laws.

The people of Oregon have placed **Measure 93** on the ballot. A **yes vote on 93** will tell the politicians that the people want to have **UNDERSTANDABLE** ballot titles.

Ted Piccolo, atlasoregon@aol.com  
(503)289-6200

*(This information furnished by Ted Piccolo, Taxpayer Protection PAC.)*

*(This space purchased for \$500 in accordance with ORS 251.255.)*

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## ARGUMENT IN FAVOR

### Your Money, Your Choice!

### Vote “YES” on 93

A **“YES” vote on 93** would merely allow hard working Oregonians a chance to vote on most new tax and fee increases. A simple and democratic idea, the time for which has come.

Measure 93 simply starts with the premise that “your money belongs to you.” What a concept!

**Vote “YES” on 93** and stop local taxing districts from using **exploding** water and sewer fees to pay for programs that politicians know **YOU** would **NEVER** approve of.

Atlas Oregon believes that your **Money** represents your **Life**. To take more of your money is to take more of your **Life**. To take more of your **Life** is to put a limit on your **choices** in **Life**.

A **“YES” vote on 93** will put **Choice** back into taxing decisions. **YOUR CHOICE!** Not the choice of some powerful lobbyist.

**Vote “YES” on 93**, it is your money, it should be your choice!

**Vote “YES” on 93** and the debate will be forever changed.

Currently the “taxing class” believes that they deserve a certain portion of your money. However by passing **Measure 93**, **YOU** will retain the right to **CHOOSE** how much money you will send away to the various levels of government.

Atlas Oregon believes you have the right to “own yourself”.

Ted Piccolo, Director “Atlas Oregon.”

(503)289-6200  
atlasoregon@aol.com

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# Measure No. 93 Arguments

## ARGUMENT IN FAVOR

### LET THEM SAY "PLEASE"

Long ago, some colonials thought the consent of the governed was a better idea than the divine right of kings. Against all odds, they rebelled against taxation without representation. Much to their surprise, their "radical" idea became a founding principle of American government.

Since then, our government has grown far beyond the one the Founders overthrew. Taxes have risen far higher than what the King ever took. Fewer and fewer people feel that their own interests are represented in the halls of power.

Measure 93 offers Oregonians a chance to halt that cancerous growth. When those who benefit from higher taxes claim that making them ask before reaching into your pocket is a dangerous, radical idea, don't believe it. Read this clearly written, two-page amendment and judge for yourself.

People who take your money without your permission are thieves, no matter what gang they belong to. Measure 93 will make it harder for government to steal what is yours.

Measure 93 will require honest ballot titles for new tax measures. They will have to tell you up front when a "Yes" vote will raise your taxes. They will have to be unbiased, accurate, and easily understood.

Measure 93 will leash government's "creativity" at calling new taxes something else, by subjecting any new or renamed funding mechanism to strict scrutiny. It makes reasonable exemptions for fire, police and some other services. It includes a twelve-month escape clause for genuine emergencies.

The consent of the governed is still the better idea. If you think government should ASK YOU before taking your money, vote "Yes" for Measure 93.

*(This information furnished by Bruce Alexander Knight, Libertarian for US House of Representatives, District 3.)*

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## ARGUMENT IN FAVOR

### It's Your Money

What is the one secret that Government officials hope you will not discover before you vote this November?

"The taxes you pay are really your money!"

Believe it or not, this comes as a surprise to many people. Whatever the Government takes from your paycheck was once actually yours. You earned it when somebody else decided that the work of your mind and body were valuable enough to pay you for. Politicians know that once you realize this, you will understand why **Measure 93 is both fair and necessary.**

Before the Government takes your money, don't you think It ought to ask you for permission?

We think so too!

The Government takes your money for countless programs you may or may not agree with. The decisions made in smoky back-rooms by politicians and special interest groups eventually come out of someone's pocket. Measure 93 gives the people a chance to say:

**"You will not raise our taxes without our approval!"**

**"You will not assess new fees and surcharges without convincing us that it is necessary!"**

**"Politicians do not have the final authority to tax Oregonians, that authority belongs to the citizens of Oregon."**

A new Legislature meets every two years and the result is always higher taxes and fees. It is time for the people who shoulder the tax burden in Oregon to have a direct voice in how it is done.

**At a minimum, voters deserve the chance to veto excessive tax increases.**

Please vote YES on ballot measure 93. It is an important step toward building an accountable government.

**Remember, it's your money!**

Furnished by the Libertarian Party of Oregon

For more information call 1-800 829-1992 or visit our web site at [www.lporegon.org](http://www.lporegon.org)

The Libertarian Party of Oregon is the third largest political party in the state. Libertarians are fiscally conservative and socially tolerant, we believe that government should be limited to protecting our freedoms while ensuring personal accountability.

*(This information furnished by Eric Winters, Libertarian Party of Oregon.)*

*(This space purchased for \$500 in accordance with ORS 251.255.)*

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# Measure No. 93 Arguments

## ARGUMENT IN FAVOR

### LOOK WHO OPPOSES MEASURE 93

Measure 93 stops the government from increasing taxes and fees whenever they want to; they have to get the voters' permission first. Who could disagree with that? After all, it's the people's money. They should have a say in how much of it government takes from them.

But look who opposes Measure 93. It reads like the "Who's Who of Tax and Spenders." The public employee unions. Big government groups. Politicians.

But what are they afraid of? Measure 93 doesn't stop tax and fee increases. It simply requires governments to get voter approval first.

That's really what leadership is all about. True leaders don't force the people to do something. They persuade the people to willingly follow them.

The only reason for political leaders to fear Measure 93 is if they want to increase taxes and fees that the people don't want increased, or they want to do things with taxpayer dollars that the taxpayers do not support.

Other states that have adopted laws like Measure 93 have seen good results.

Here's what they've found:

- Voters don't always say "No." They support the things they believe in.
- Voters get more involved in government decisions.
- There's less voter apathy.
- Governments become more fiscally responsive and accountable when they know they can't have more money just because they want it.
- Voter turn-out in elections increases.

Only elitist politicians would see these as bad things – those who would use the power of government to coerce its citizens.

Public officials who want to lead by persuasion and by the building of consensus, rather than by force and coercion should embrace Measure 93. It simply lets government have as much money as we the people willingly give them. No more and no less.

It requires our elected officials to lead us, not dictate to us. To persuade us, not force us.

And that's what living in a free society is all about.

*(This information furnished by Becky Miller, Oregon Taxpayers United.)*

*(This space purchased for \$500 in accordance with ORS 251.255.)*

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## ARGUMENT IN FAVOR

### WHAT A DISCONNECT!

Why should governments be allowed to increase taxes and fees any time they want? Public officials may know how much money government needs, but how could they ever know how much my family needs?

Some tax increases mean some kids won't get new shoes. Some kids won't go to college. Some elderly people won't be able keep their house warm in the winter. **Are we supposed to just let politicians take what they need, and then adjust our family budgets accordingly?** Do we trust politicians that much?

Remember the recent vote on the legislature's gas tax increase. Governor Kitzhaber lobbied for a gas tax increase. A majority of our state legislators voted for it, too. But after AAA and Oregon Taxpayers United collected the signatures to let voters decide the issue, the gas tax increase received less than 15 percent of the vote!

**What a disconnect! The governor and the legislature voted for it big time and the voters turned it down big time.** The governor and the legislature were obviously completely out of touch with the people.

Measure 93 gives voters the right to vote on most new or increased taxes and fees. New taxes and fees would have to be approved by at least the same majority approving Measure 95. So, if Measure 95 gets 60 percent of the vote, new taxes and fees will require at least 60 percent voter approval.

It's time we stopped giving politicians a blank check. It's time we reminded them that it's our money they're spending.

**Measure 93 sends the following message to elected officials: If you want more of our money, you'll have to persuade us first that you truly need it.** If you make your case, we'll approve additional funding. If you don't, we won't.

Requiring voter approval of tax increases is working well in other states. It'll work in Oregon.

### MEASURE 93 IT'S GOOD FOR GOVERNMENT AND GOOD FOR TAXPAYERS

*(This information furnished by Bill Sizemore, Oregon Taxpayers United.)*

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# Measure No. 93 Arguments

## ARGUMENT IN OPPOSITION

**SPECIAL DISTRICTS ASSOCIATION URGES YOU TO  
VOTE NO  
ON MEASURE 93!**

### WHAT TYPES OF SPECIAL DISTRICTS CAN BE EFFECTED by this measure?

Fire districts, ambulance districts, 9-1-1 emergency communication districts, health & hospital districts, parks & recreation districts, library districts, water districts, sewer districts, port districts, transportation districts, and even cemetery maintenance districts!

### WHAT TYPES OF FEES MIGHT YOU BE ASKED TO VOTE ON if this measure passes?

- Rodeo Stall & Corral Rental Fees
- Library Card Replacement Fees
- Overdue Book Fines
- Interlibrary Loan Fees
- Opening and Closing of Gravesite Fees
- Burial Plot Purchase Fees
- Ditch Maintenance Fees
- X-Ray Fees
- Firewood Gathering Permit Fees
- Swimming Pool Filling Fees
- Picnic Kit Use Fees

### WHO PAYS the cost of a special district election?

Special districts do with TAXPAYER OR RATEPAYER MONEY!

### HOW MUCH could these elections cost you?

According to Measure 93's Fiscal Impact Statement ... "Election Costs to local governments for the November 2002 General Election are estimated to be \$26.4 million. Costs for each future general election are estimated to be \$13.2 million, adjusted for inflation."

**DON'T LET YOUR TAX DOLLARS BE SPENT ON  
EXPENSIVE ELECTIONS**

**VOTE NO ON MEASURE 93!**

*(This information furnished by Greg Baker, Executive Director, Special Districts Association of Oregon.)*

*(This space purchased for \$500 in accordance with ORS 251.255.)*

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## ARGUMENT IN OPPOSITION

**The Oregon Library Association says  
PROTECT YOUR LOCAL LIBRARY.**

**Vote NO on Measure 93.**

Oregonians love their libraries!

In the last two years, Oregon voters have shown their love of libraries by passing measures to support these local libraries...

- Sweet Home Public Library**
- Tillamook County Library**
- Deschutes County Library**
- Fern Ridge Library**
- Jefferson County Library**
- Eugene Public Library**
- Stayton Public Library**
- Josephine County Library**
- Klamath County Library**
- Scappoose Public Library**

**If Measure 93 passes, these local library measures could be invalidated -- thrown out the window!**

Library supporters might have to start all over again, going back for another public vote on measures that have already passed.

Even then, libraries could still lose. Under Measure 93, voters would have to pass their local library funding measures by at least the same margin as Measure 93 gets in November.

Any future library funding measure, anywhere in Oregon, would have to meet that same arbitrary requirement.

Oregon's libraries offer a lifetime of learning to everyone, long after school is done. But libraries work only when their doors are open. Help keep them that way.

**Vote NO on Measure 93.**

*(This information furnished by Terry Rohe, President, Oregon Library Association.)*

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# Measure No. 93 Arguments

## ARGUMENT IN OPPOSITION

### The League of Women Voters of Oregon Urges a No Vote on Measure 93

The League of Women Voters of Oregon is a grassroots, nonpartisan organization which encourages the informed and active participation of citizens in government. Since 1920, the League has worked to inform voters, improve our political process and strengthen our Democracy.

### Amends the Oregon Constitution to Eliminate "Majority Rule"

One person, one vote and majority rule are basic values of American democracy. By requiring a "supermajority," Measure 93 violates those principles by ensuring that a minority of voters would be able to prevent the wishes of the majority in a wide variety of elections. That also makes the vote of the majority less valuable.

### Disrupting Our Elections System

Measure 93 could force Oregon voters to vote on a dizzying array of fees, charges and taxes. The ballots of all Oregonians could become complicated and difficult to navigate, with a potential of hundreds of measures each General Election. Many of these would be public votes on fees that most Oregonians do not pay.

### Unfair

Measure 93 would give people "veto" power over fees they do not pay, and that other Oregonians count on. Portland voters would vote on things like grazing fees, while rural Oregonians would get to vote on things that are only important to urban Oregon. It makes no sense, and is unfair.

### Wastes Millions of Taxpayers' Dollars

Measure 93 would cost Oregon taxpayers \$35 million in the next general election alone.

### Please join the Oregon League of Women Voters in Voting NO on 93

*(This information furnished by Paula Krane, President, League of Women Voters of Oregon.)*

*(This space purchased for \$500 in accordance with ORS 251.255.)*

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## ARGUMENT IN OPPOSITION

### COMING TO YOUR BALLOT (IF MEASURE 93 PASSES)

Measure 93 will force Oregonians to vote on hundreds of state and local fee increases of 3% or more.

Here's just a small sampling of state fees that could be on your general election ballot:

- Receive: Cable or ITFS Access Membership
- Network II Facility use fees
- Network II Programming: Educational member satellite discount
- Ed-Net Service Fees
- Compass Services-Plus 120
- Satellite Downlink System Installation-3.7 meter steerable dual-band downlink
- Gateway Videoconferencing
- Site Scheduling Service: Out-Of-State non-Ed-Net sites
- Field Burn Regulation Fee
- Animal Disposal License
- Water Quality Mgmt. Fee
- Stack Burning Fee
- Field Burning Fee
- Commercial Feeds Regulatory Fee
- Weather Modification
- Brand Inspection Fees
- Miscellaneous One Day Horse Sale
- Weights & Measures Development License Type B Scale 401-1,160 lb. capacity
- Nursery Certification Fee
- Pesticide Applicator License
- Animal Disposal License
- Commercial Feeds Regulatory Fee
- Livestock Auction Market License
- Exotic Animal Permit
- Veterinary Prod. Registration
- Garbage Feeder License
- Weights & Measures Special Test Collect
- Nursery License Nursery Dealers, Florists & Landscapers
- Grain Warehouse License
- Cardlock-Facility License
- LPG Installation/Company
- Polygraph Licensing
- Race Meet License Fee
- Notary Public Filing Fee

Remember, this is just a fraction of the fees Measure 93 could bring to the Statewide ballot!

[www.ouregon.org](http://www.ouregon.org)

*(This information furnished by Shannon Floyd, The Committee for Our Oregon.)*

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# Measure No. 93 Arguments

## ARGUMENT IN OPPOSITION

### COMING TO YOUR BALLOT (IF MEASURE 93 PASSES) Continued...

- Bean, Pea & Hay Inspection Fee-Dried beans, dried peas, split peas, lentils, and similar commodities
  - Ginseng Dealers
  - Export Hay Certification
  - Hops Inspection
  - Aplary Registration Fees
  - Seed Sampling Fees
  - Retail Product Peddler License
  - Wholesale Produce Dealer License
  - Nursery Research. Assessment
  - Retail Food Establishment License
  - Christmas Tree License Acres of Trees Basic Charge
  - Imported Timber Inspection Fee
  - Virus Fruit Tree Cert Fee
  - Pest & Disease Reimbursement/Certificate
  - Fluid Milk Distribution License
  - Bakery License
  - Poultry/Rabbit Slaughter License.
  - Shellfish Grower License
  - Food Storage Warehouse License
  - Custom Meat Processing License
  - Slaughterhouse License
  - Nonalcoholic Beverage License
  - Dairy Operators License
  - Animal Food Processor
  - Retail Manufactured Frozen Dessert
  - Egg Fee
  - Egg Breaker Permit
  - Reciprocity Application Fee
  - Architect Registration Fee
  - Architect Renewal Fee
  - Heirloom Birth Certificate
  - Electrical Master Permit Inspection Fee
  - Restricted Energy Electrical License Endorsement Exam Fee
  - Limited Journeyman Railroad Electrician License
  - Electrical Special Restricted Energy License
  - Limited Journeyman Elevator Service Electrician License
  - Limited Journeyman Manufacturing Plant Electrician License
- Remember, this is just a fraction of the fees Measure 93 could bring to the Statewide ballot!**

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## ARGUMENT IN OPPOSITION

### COMING TO YOUR BALLOT (IF MEASURE 93 PASSES) Continued...

- Falconry License
  - Oil and Gas Fees
  - Metal Mines
  - Clandestine Drug Lab License Renewal - Biennial
  - Residential Care Facilities
  - Special Nuclear Material Unsealed (Facility)
  - Use of Xenon Gas (Facility)
  - High Doserate Brachytherapy (Source)
  - Radiopharmaceutical Therapy (Facility)
  - Radioactive Materials Licenses - Annual
  - Instrument Calibration
  - Well Logging (Source)
  - Death Certificates
  - Divorce Certificates
  - Tanning Device Registration - Annual
  - EMT Reciprocity Certification - Biennial [Basic & Paramedic]
  - Bed & Breakfast Annual License
  - Ambulance Vehicle License - Annual
  - Temporary Restaurant License
  - Total Body Piercing
  - Dental Hygienist License - New or Renewal
  - Funeral Establishment License Fee - Biennial
  - Veterinarian Initial & Renewal License Fee
  - Circuit Court Fee Schedule
  - Professional Fundraiser Registration Fee
  - Charitable Trust and Corporation Reporting Fee
  - Bingo and Raffle License and Reporting Fee
  - Geothermal Permit Application
  - Grazing Application Fee
  - Lottery Telephone Line Installation (Digital)
  - Charter Boat Licensing Fee
  - Deschutes Boaters Permit
  - Extra Vehicle Parking Permit
  - Group Picnic
  - Non-traditional activity –Champoeg Amphitheatre, without admission fee, up to 1,000 people
  - Petroleum Load
  - Wholesale Fireworks
  - Record of Criminal History
  - Fingerprint Card
- Remember, this is just a fraction of the fees Measure 93 could bring to the Statewide ballot!**

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# Measure No. 93 Arguments

## ARGUMENT IN OPPOSITION

### COMING TO YOUR BALLOT (IF MEASURE 93 PASSES) Continued...

- RV/Org Park Re-inspection Fee
- Electrical Limited Sign Contractor License
- Water Treatment Installers License Exam Fee
- Boilers and Pressure Vessels Inspector Certification Renewal Fee
- Amusement Rides Inspection
- Elevator Contractor's License
- Radioactive Waste Transport Fee
- Emergency Response Planning
- Life Settlement Brokers Application
- Foreign Bank License Fee
- Merger Approval Application Fee
- Investment Adviser License
- Tuition Protection Fund -- Initial Capitalization (one-time)
- LEDS Search Fees
- Public Housing Agencies
- Solid Waste Permit Fee
- Oil Spill Prevention-Facility Fee (annual)
- Hazardous Waste Generator Fees
- Wastewater Discharge Fee
- Air Contaminant Fee-Application Fee
- Asbestos Certification Fee-Notification Fee
- Dry Cleaner Environmental Response
- Industrial Air Emission Fee-Emission Fee
- Hazardous Substance Remedial Action Fund
- On-Site Subsurface Fees
- Heating Oil Tank Cleanup Assistance
- Sewage Works Operator Certification Fee-Reciprocity Fee
- Trailer Park Rental
- Vessel Permit
- Sauvie Is. Parking Permit Resident angling license
- Resident Commercial Boat license
- Food Fish Canner license
- Resident Wildlife Propagation, Annual
- Hunter Education
- ATV Class II Permit
- DMV Trip Permits
- Aircraft Registration
- Approach Road Permit fee

**Remember, this is just a fraction of the fees Measure 93 could bring to the Statewide ballot!**

[www.ouregon.org](http://www.ouregon.org)

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## ARGUMENT IN OPPOSITION

### A Message from Governor John Kitzhaber, M.D.

In few places in our nation is the exercise of democracy as vigorous as in Oregon. We are proud of our tradition of open debate, and of making our voice heard on the ballot.

Some issues are more fundamental than the question of the day. There are times that the basic foundations of the democratic process are at stake. And that is the case with Measure 93.

Measure 93 claims to be about taxes and fees. In fact, it would change our basic political system in ways that should concern every Oregonian.

It would overturn the basic principle of majority rule. Measure 93 would put in our constitution permanent veto power for a minority of voters, who would be able to block the wishes of the majority on what investments we should make as a state, or as community.

It would turn our general election ballot into an obstacle course, crowded with hundreds of fees and costing millions in extra elections costs.

And Measure 93 would have voters making decisions on fees that are not only paid willingly by those they affect, but are vital to a profession or industry. Is it fair for all the state's voters to be making decisions on a fee they do not pay and may know very little about – especially when that vote could have a devastating effect on someone else's livelihood?

Over the course of our history, tremendous sacrifices have been made to establish and protect our democracy. I hope you will agree with me that it is too precious to be changed in such a thoughtless way.

**Please join me in voting no on Measure 8**

**John Kitzhaber, M.D.**

*(This information furnished by John A. Kitzhaber, M.D.)*

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# Measure No. 93 Arguments

## ARGUMENT IN OPPOSITION

**Organizations In Every Part of Oregon,  
From Every Walk of Life,  
Have Joined Together to Say:**

**VOTE NO ON MEASURE 93**

**This is a small sample of those who have joined in  
opposition to Measure 93:**

- League of Women Voters of Oregon
- Oregon Council, American Electronics Association
- Oregon Advocacy Coalition of Seniors and People with Disabilities
- Oregonians for Public Safety
- Bend Chamber of Commerce
- Reverend William R. Ellis, Jr.
- Rabbi Daniel Isaak
- Eugene Police Employees' Association
- University of Oregon Alumni Association
- Oregon State Police Officers' Association
- Christian Church (Disciples of Christ)
- Oregon Council of Police Associations
- Oregon State Council of Senior Citizens
- Oregon School Boards Association
- Jewish Federation of Portland Community Relations Committee
- Oregon Building Officials Association
- Human Services Coalition of Oregon
- Oregon Education Association
- Oregon State Fire Fighters Council
- Portland Gray Panthers
- Oregon Catholic Conference
- Oregon Consumer League
- Tigard United Methodist Church
- Coalition for School Funding Now!
- Oregon AFL-CIO
- Oregon AFSCME Council 75
- Confederation of Oregon School Administrators
- Roseburg Police Employees Association
- American Jewish Committee, Oregon Chapter
- OPEU, SEIU Local 503
- Oregon Police Chiefs for Safer Communities
- Tigard Police Officers Association

**Too Little Benefit. Too Great a Cost.  
Vote NO on Measure 93**

**[www.ouroregon.org](http://www.ouroregon.org)**

*(This information furnished by Shannon Floyd, The Committee for Our Oregon.)*

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## ARGUMENT IN OPPOSITION

A MESSAGE FROM THE OREGON PTA

**MEASURE 93 WILL BLOCK YOUR COMMUNITY'S  
EFFORTS TO IMPROVE YOUR LOCAL SCHOOLS!**

If you care about improving your local schools, beware of Measure 93.

Measure 93 would make it difficult, if not nearly impossible for communities to pass local levies or bonds to repair schools, ease overcrowding, restore programs or buy new books. It will require a supermajority to pass any local levy or fee, no matter what it is for.

That means a minority of voters will have permanent veto power over improving your local schools. And we don't even know what that supermajority would be! The measure says that it will be whatever percentage votes yes on Measure 93. If 70% votes yes on Measure 93, then 30% of voters will be able to block any local effort to help schools (or any other community need, for that matter).

**MEASURE 93 COULD ALSO CANCEL SCHOOL  
IMPROVEMENTS VOTERS HAVE ALREADY APPROVED!**

Measure 93 is retroactive for two years. That means if you worked hard to pass a local levy to help lower class sizes, buy new books or restore programs like art and music, your schools are in danger of losing the money voted for and given to it.

If that levy passed by less than the new (undefined) supermajority, there would have to be another election. And if it doesn't pass again, the money would have to be refunded – **even if it has already been spent on what the voters approved!**

Measure 93 makes no sense. And something this hurtful to schools certainly doesn't belong in our constitution.

**VOTE NO ON MEASURE 93!**

**Kathryn Firestone, President  
Lisa Laursen Thirkill, Vice President for Legislation  
The Oregon PTA**

*(This information furnished by Kathryn Firestone, President, Lisa Laursen Thirkill, VP Legislation; Oregon Congress of Parents and Teachers.)*

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# Measure No. 93 Arguments

## ARGUMENT IN OPPOSITION

**Support your local sheriff...  
firefighter, police chief, police officer, corrections officer,  
and all the dedicated people who keep  
your community safe:**

**VOTE NO ON 93!**

Measure 93 says it's about taxes and fees. But there is more to it than meets the eye. **Measure 93 could make it difficult or nearly impossible to make critical public safety investments for every community in Oregon.**

Because it will require a "supermajority" for nearly any tax or fee in Oregon, Measure 93 would put a huge roadblock in the way of keeping our communities safe. It would mean that a majority of voters would be unable to approve public safety levies and bonds for things such as:

- Increased patrols
- Rural and urban police protection
- Adequate jail space to keep criminals out of our neighborhoods
- Fire protection

Levies and bonds are a good way for voters to make sure that their money is being spent directly on their priorities. Why would we make it more difficult for ourselves to decide as a community what we want to invest in?

Measure 93 makes no sense for the safety of our communities. That is why Oregon law enforcement says

**PLEASE, VOTE NO ON 93!**

**Sheriffs of Oregon**

**Oregon Police Chiefs for Safer Communities**

**Oregon Council of Police Associations**

**Oregon State Police Officers Association**

**Association of Corrections Employees**

**Oregon State Fire Fighters Council**

*(This information furnished by Stan Robson, Sheriffs of Oregon; Steven Winegar, Oregon Police Chiefs for Safer Communities; Ronald M. Anderson, Vice President, Oregon State Police Officers' Association; Gary Harkins, Association of Corrections Employees; Martin Lerner, Oregon Council of Police Associations; Bob Livingston, Oregon State Fire Fighters Council.)*

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## ARGUMENT IN OPPOSITION

**MEASURE 93 WILL CANCEL SCHOOL  
AND LIBRARY LEVIES  
VOTERS HAVE ALREADY APPROVED!**

Few things bother voters more than having their wishes ignored, and their votes overturned.

But that is just what Measure 93 would do!

We are just a few of the thousands of Oregonians who worked very hard to pass local levies for our communities' schools and libraries. For many of us, these measures were the only way to avoid serious cuts in the classroom, or to keep our libraries' doors open.

Not only did we pass these levies, but we did so under the "double majority" requirement. In communities across Oregon, the voters spoke.

**But if Measure 93 passes, it could cancel these elections.** That's like changing the rules after the game has been played. Measure 93 could even force our hard-pressed schools to refund the money, even if it has already been spent on what voters said they wanted it spent on.

This makes no sense. It's not fair. And we certainly shouldn't put it in our Constitution.

**PLEASE VOTE NO ON MEASURE 93**

*(This information furnished by Chuck Keil; Katharine S. Danner, Ashland Schools Foundation.)*

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# Measure No. 93 Arguments

## ARGUMENT IN OPPOSITION

### Oregon Mayors' Association Urges Oregonians: VOTE NO ON MEASURE 93

Voting on almost everything that affects your pocketbook... sounds good, right? But Measure 93 is a constitutional amendment that is vague, poorly thought out and has many unintended consequences. That's why the Oregon Mayors' Association urges you to vote "NO" on Ballot Measure 93.

Here are some of the details that trouble us:

It's unfair. Almost every tax, fee or charge increased or imposed since December 6, 1998 is subject to repeal and a public vote. No matter how large or how small, or the reason for the increase, or if it has already been approved by voters; it's all the same.

If the tax, fee or charge isn't approved by voters, it must be refunded. If there isn't enough money in, say, the sewer fund to refund a sewer charge, then the money must come from somewhere else. That means other public services will be hurt.

It's expensive. Measure 93 will actually cost a lot of tax dollars. Elections are expensive; the official estimate is that Measure 93 will cost local taxpayers \$26.4 million in the November 2002 election alone. And this measure doesn't differentiate between a vote on a 10-cent library fee and a \$10 million water project. It will cost money to track down the people to whom money must be refunded. And the lawsuits to figure out what the language in this measure really means is going to cost us -- the taxpayers -- a lot.

It's unnecessary. Oregon's Constitution already says that taxes have to be approved by the people or the Legislature. We already vote on property taxes. In almost every city, we have a referendum if people don't like what the city council does. And, you can vote us out of office. The voters already have the power; this measure is unnecessary.

### Measure 93 hurts Oregon's cities and taxpayers. Please vote "NO" on Measure 93.

*(This information furnished by Mayor Mary Nicholson, Milton-Freewater, President, Oregon Mayors' Association.)*

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## ARGUMENT IN OPPOSITION

### MEASURE 93 IS NOT THE ONLY ONE TO WORRY ABOUT!

Measures 91, 93 & 8 are bad ideas for Oregon in many different ways. But there are some things they have in common:

- They all offer little or no benefit to middle class Oregon taxpayers.
- They all hurt basic values and services that all Oregonians count on and care about.
- They are all vague or misleadingly worded, and filled with unintended consequences.
- They all amend the constitution.
- They don't add up, and they certainly won't work.

### Measures 91, 93 & 8: Far Too Little Benefit. Far Too Great a Cost.

[www.ouregon.org](http://www.ouregon.org)

*(This information furnished by Shannon Floyd, The Committee for Our Oregon.)*

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# Measure No. 93 Arguments

## ARGUMENT IN OPPOSITION

### FORMER JUDGES OPPOSE PLACING MEASURE 93 IN THE CONSTITUTION

It undermines our democracy

Fellow citizens:

As former judges, we have a deep respect for the State's fundamental governing document – the Oregon Constitution.

**That is why we hope you will join us in voting NO on Measure 93.**

The Constitution establishes our basic system of government and protects our fundamental rights. Unlike a simple statute, it cannot be changed by the Legislature. Only a vote of the people can change the Constitution.

**Measure 93 not only changes our Constitution, but it threatens to disrupt our election system and runs counter to basic American principles, such as majority rule.**

Because it requires "supermajority" approval for taxes and fees, Measure 93 means that a minority of voters will have veto power over the majority. And Measure 93 would place hundreds of small fees on the state and local level. It will make Election Day expensive and confusing for voters. We certainly shouldn't be amending our Constitution to do that.

**But even if we agreed with Measure 93, we would vehemently oppose placing it in the Constitution. It has no place there.**

**We hope you will join us in voting "No on Measure 93."**

*(This information furnished by The Honorable Betty Roberts, The Honorable Jacob Tanzer.)*

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## ARGUMENT IN OPPOSITION

### OREGON RECREATION & PARK ASSOCIATION OREGON PARKS ASSOCIATION OPPOSE MEASURE 93

The Oregon Recreation & Park Association and Oregon Parks Association, organizations representing over 500 professional members that provide park and recreation services throughout the state, oppose Measure 93.

Measure 93 is another attempt to throw a roadblock in front of efforts to provide services that Oregonians have time and again supported in their communities. **This Constitutional Amendment** prohibits raising certain fees unless public agencies hold an expensive election first. To ask voters to approve hundreds of fee increases for everything from copying costs to pool usage fees is neither reasonable nor prudent when taxpayers are requiring more efficient use of tax dollars. Measure 93 will increase the cost of providing essential services for Oregonians who can least afford to pay.

Measure 93 will complicate the ability of local Park and Recreation agencies to provide basic services for youth-at-risk, senior citizens and adult sports. It could eliminate arts and summer day camps for kids; programs for the physical or mentally challenged; after school activities; and other essential recreation services that Oregonians depend upon.

**Examples of recreation program fees that you may soon be voting on:**

- Youth soccer, baseball and basketball
- Athletic field, park and facility rentals
- Swimming pool admissions
- Quilting, dog obedience, dance classes
- Children's summer camps

**Measure 93 will cost Oregon communities millions of dollars in increased election costs.** It will give a minority of voters the ability to block the majority will when it comes to repairing/improving park facilities. **It will be retroactive; potentially forcing communities to make financially ruinous "refunds" even if the money has been spent on what voters told their local governments to spend it on!**

Again, we are faced with a vague, ambiguous measure that doesn't solve any problems, creates more bureaucracy, increases costs and distracts government from providing important park and recreation services.

**Don't let them fool you.  
VOTE NO ON MEASURE 93.**

*(This information furnished by Stephen A. Bosak, Oregon Recreation & Park Association, Oregon Parks Association.)*

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# Measure No. 93 Arguments

## ARGUMENT IN OPPOSITION

As graduates of Portland State University, we urge a no vote on Measure 93. This measure won't save taxpayers money and will create a bureaucratic nightmare for higher education administrators. This comes at a time when we need to reduce the cost of higher education so more people can obtain a college degree.

This measure will force voters to approve many college and university fees that you simply don't care about. It could force votes and political campaigns focused on increases like university parking fines, overdue library fines, computer usage fees for students, fees for university activities, and student organization fees. What a waste of time and money! Measure 93 doesn't make any sense to us and we hope it doesn't make any sense to you, either.

Please vote no on Measure 93. It won't save you any money and it doesn't belong in the Oregon constitution.

*(This information furnished by Joan C. Johnson, Denise Duncan, Roger Capps, Marjorie Terdal, Chris Groener, Gary D. Salyers, Jennifer T. Eller, alumni of Portland State University.)*

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## ARGUMENT IN OPPOSITION

Forget the Terwilliger curves on Interstate 5 in Portland at rush hour. You want to see real gridlock? Vote for Ballot Measure 93.

True, it's a different kind of gridlock. Measure 93, if passed, would create true government gridlock. Moreover, it would waste thousands of taxpayer dollars on elections.

Measure 93 requires a public vote any time a government agency wants to raise a tax or fee by more than 3 percent. It is also retroactive to December 1998, which creates other problems.

What kind of fees are covered by Measure 93? **Any and every kind.** If your local library needs to raise its overdue book fee from 25 cents to 30 cents, you have to hold an election. If your park district needs to add a dime to the swimming pool fee to cover inflation, you will need to hold an election. Get the idea?

The retroactive part makes it worse. If your library added that extra 5 cents since December 1998, you have to go back and vote on it. And if it doesn't pass that vote, Measure 93 would require the library to make refunds! Can you imagine the administrative and bookkeeping nightmare Measure 93 could cause by forcing libraries, swimming pools and the like to chase down customers from two years ago to refund them 10 or 15 cents? **What a waste of time and money!** Yet this is exactly what Measure 93 would do.

Think about this: what significant taxes or fees are there that we don't already vote on? We already vote on property taxes, school bonds, police and fire levies and so on. Through the initiative system, we vote on income taxes almost every two years. **The point is, if it is a significant tax or fee, we already vote on it.**

If you want gridlock, stick to the freeways! Vote NO! on Measure 93.

**Terry Woodward, Coos Bay  
AFSCME Local 2892 (City of Coos Bay)**

*(This information furnished by Don Loving, Oregon AFSCME Council 75.)*

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# Measure No. 93 Arguments

## ARGUMENT IN OPPOSITION

**Oregon State Treasurer Jim Hill  
Urges you to vote NO on Ballot Measure 93**

Oregon voters are savvy and not easily fooled. Two years ago, they sent a message loud and clear that they don't want Bill Sizemore to lead Oregon's state government. Now you have another chance to send that message again and reject his form of government by voting no on Measure 93.

Measure 93 calls once again for amending the Oregon Constitution to require voter approval of new or increased taxes, fees or charges proposed by state and local governments, and to require a refund of past collections. Governments must refund voter approved levies imposed after December 6, 1998, unless they are exempt or approved by voters at the 2002 General Election.

Measure 93 is so poorly written and difficult to interpret that it is nearly impossible to determine the revenue impact. **Conservative estimates put the revenue impact to the state, cities, counties and school districts at more than \$200 million.** Because this measure is so confusing, that number could easily increase.

**Oregonians have already spoken about this issue. Voters rejected a similar ballot measure in 1994, which required a vote on all new taxes and fees. It was bad for Oregon then, and it is bad for Oregon now. Don't be tricked by the power of special interest groups whose main objective is not to reduce government, but to do away with it entirely.**

Let's work together to find positive solutions to our problems and differences, and reject confusing, self-serving measures that do nothing but divide Oregon and move us in the wrong direction.

**Voters overwhelmingly rejected Bill Sizemore in his bid for governor in 1998 and at the same time rejected his form of government. It is time once again to send a message. Vote NO on Measure 93.**

**Jim Hill  
Oregon State Treasurer**

*(This information furnished by Jim Hill, Oregon State Treasurer.)*

*(This space purchased for \$500 in accordance with ORS 251.255.)*

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# Measure No. 94

Proposed by initiative petition to be voted on at the General Election, November 7, 2000.

## BALLOT TITLE

### **94 REPEALS MANDATORY MINIMUM SENTENCES FOR CERTAIN FELONIES, REQUIRES RESENTENCING**

**RESULT OF "YES" VOTE:** "Yes" vote repeals mandatory minimum sentences for certain violent and other felonies, requires resentencing.

**RESULT OF "NO" VOTE:** "No" vote retains mandatory minimum sentences for certain violent and other felonies, maintains existing sentences.

**SUMMARY:** Laws approved in 1994 as "Measure 11" require minimum sentences for certain violent felonies, conspiracy and attempt to commit certain felonies, committed after April 1, 1995. With limited exceptions, statutes require persons convicted serve full minimum sentence, with no reduction for post-prison supervision, temporary leave. Statutes require persons charged with specified crimes aged 15 to 17 when crime committed be prosecuted as adults. Measure repeals these statutes, requires persons sentenced under them be resentenced under existing sentencing guidelines.

**ESTIMATE OF FINANCIAL IMPACT:** State adult prison and juvenile close custody costs will decrease by \$10.8 million in 2000-01, \$35.9 million in 2001-02, and \$65.1 million in 2009-10. Bond repayment costs for new prison construction will decrease by \$153.6 million between 2000 and 2010. State community corrections payments to counties will increase by \$900,000 in 2000-01, \$3 million in 2001-02, and \$1.5 million in 2009-10. State costs for community supervision of youth offenders will increase by \$200,000 in 2000-01, \$500,000 in 2001-02 and \$1.1 million in 2009-10.

State costs to resentence offenders will be \$6.9 million between 2000 and 2002. State costs for appeals of new convictions will be \$800,000 annually.

County expenditures for presentencing evaluations and jail costs for the resentencing process are estimated at \$2.1 million.

There is no financial effect on state or local government revenues.

sentenced under any repealed provision of law listed in Section 2 above, who would have otherwise been within the jurisdiction of the juvenile court and who did not receive a waiver hearing shall be subject to juvenile court jurisdiction, unless waived to a circuit, justice or municipal court of competent jurisdiction pursuant to ORS 419C.340 et seq., and unless the person requests not to be resentenced.

(c) Any person charged or convicted of an offense, the sentence for which is dictated by any repealed provision of law listed in Section 2 above, who has not been sentenced as of the effective date of this Act, shall be sentenced in accordance with the Oregon Revised Statutes and the rules of the Oregon Criminal Justice Commission that were in effect on March 31, 1995. Any such person who would have otherwise been within the jurisdiction of the juvenile court, but for a repealed provision of law listed in Section 2 above, shall be subject to juvenile court jurisdiction, unless waived to a circuit, justice or municipal court of competent jurisdiction pursuant to ORS 419C.340 et seq.

**SECTION 4:** Notwithstanding the repeal of 137.707, any person who was entitled to a hearing pursuant to 420A.200 et seq. "second look" shall retain the right to such a hearing.

## TEXT OF MEASURE

### AN ACT

**SECTION 1:** This Act shall be known as the "Judicial Discretion Act of 2000."

**SECTION 2:** ORS 135.240(4) and (5), 137.700, 137.705, 137.707, 137.712, 138.222(4)(c) and 419C.067 are repealed.

**SECTION 3:** (a) Any person sentenced under any repealed provision of law listed in Section 2 above, shall be resentenced by the Court of conviction in accordance with the Oregon Revised Statutes and the rules of the Oregon Criminal Justice Commission that were in effect on March 31, 1995, unless the person requests not to be resentenced. The Court shall hold the resentencing hearing as soon as practicable after the effective date of this Act, but not later than 90 days, with priority given to those persons who have been incarcerated the longest pursuant to any repealed statute. Any person resentenced under this subsection shall receive credit for any time served.

(b) Notwithstanding any other provision of law, any person

# Measure No. 94

## EXPLANATORY STATEMENT

Measure 94 repeals mandatory minimum sentences established by Ballot Measure 11, approved by voters in November 1994 and effective April 1, 1995. Measure 11 covers murder, manslaughter, assault, kidnapping, rape, sodomy, unlawful sexual penetration, sexual abuse and robbery. Measure 11 requires persons sentenced for these crimes serve the full sentence. The sentence cannot be reduced for any reason. Measure 11 also requires that a person 15, 16 or 17 years old charged with committing one of these crimes be tried as an adult.

The Legislature added these crimes to Measure 11: attempt or conspiracy to commit aggravated murder or murder, arson, using a child in a display of sexually explicit conduct, and compelling prostitution. Measure 94 will repeal these mandatory minimum sentences. Measure 94 will also repeal the requirement that a person 15, 16 or 17 years old charged with committing one of these crimes be tried as an adult.

Measure 94 requires that all persons sentenced to a mandatory minimum sentence be resentenced unless the person requests not to be resentenced. Resentencing would be under laws in effect on March 31, 1995. Resentencing must occur within 90 days after Measure 94 becomes law.

Any person who is presently charged or convicted of a crime that would be subject to a mandatory minimum sentence but who has not yet been sentenced will now be sentenced under the laws in effect on March 31, 1995.

Measure 94 requires that a person 15, 16 or 17 years old and who was tried as an adult for committing one of these crimes will now be subject to the jurisdiction of juvenile court for resentencing unless waived to adult court. Under laws in effect in March 1995, juvenile court jurisdiction ended when the person reached the age of 21 years.

This chart compares the range of presumed sentences to be used under Measure 94 with the current mandatory minimum sentences. The presumed sentence is the range of prison time the court may impose. The presumed sentence is imposed most of the time. However, for substantial and compelling reasons, the court may set higher or lower sentences.

<u>Crime</u>	<u>Range of Presumed Sentences</u>	<u>Current Mandatory Minimum Sentences</u>
Murder	10yr–22yr&5mo	25yr
Attempt or Conspiracy to Commit Aggravated Murder	4yr&10–10yr&10mo	10yr
Attempt or Conspiracy to Commit Murder	2yr&10mo–6yr	7yr&6mo
Manslaughter/1st degree	4yr&10mo–10yr&10mo	10yr
Manslaughter/2nd degree	1yr&4mo–3yr&9mo	6yr&3mo
Assault/1st degree	2yr&10mo–10yr&10mo	7yr&6mo
Assault/2nd degree	1yr&4mo–3yr&9mo	5yr&10mo
Kidnapping/1st degree	4yr&10mo–10yr&10mo	7yr&6mo
Kidnapping/2nd degree	2yr&10mo–6yr	5yr&10mo
Rape/1st degree	2yr&10mo–10yr&10mo	8yr&4mo
Rape/2nd degree	1yr&4mo–3yr&9mo	6yr&3mo
Sodomy/1st degree	2yr&10mo–10yr&10mo	8yr&4mo
Sodomy/2nd degree	1yr&4mo–3yr&9mo	6yr&3mo

Unlawful Sexual Penetration/1st degree	2yr&10mo–10yr&10mo	8yr&4mo
Unlawful Sexual Penetration/2nd degree	1yr&4mo–3yr&9mo	6yr&3mo
Sexual Abuse/1st degree	1yr&4mo–3yr&9mo	6yr&3mo
Robbery/1st degree	2yr&10mo–6yr	7yr&6mo
Robbery/2nd degree	probation–2yr&6mo	5yr&10mo
Arson	4yr&10mo–10yr&10mo	7yr&6mo
Using a Child in a Display of Sexually Explicit Conduct	1yr&4mo–3yr&9mo	5yr&10mo
Compelling Prostitution	1yr&4mo–3yr&9mo	5yr&10mo

**Committee Members:**

Representative Jo Ann Bowman  
Emily Simon  
Steve Doell  
Representative Kevin Mannix  
James M. Brown

**Appointed by:**

Chief Petitioners  
Chief Petitioners  
Secretary of State  
Secretary of State  
Members of the Committee

*(This committee was appointed to provide an impartial explanation of the ballot measure pursuant to ORS 251.215.)*

94

# Measure No. 94 Arguments

## ARGUMENT IN FAVOR

Yes on 94 will Repeal Measure 11

Fiction vs. Fact: What the supporters of Measure 11 want Oregonians to believe...

FICTION: Repealing Measure 11 will automatically release 1,000's of criminals onto Oregon streets.

FACT: Measure 11 offenders will be resentenced under the successful Sentencing Guidelines adopted by the legislature in 1989. (Read "SUMMARY" of measure under "BALLOT TITLE".)

FICTION: Measure 11 only targets violent and repeat criminals.

FACT: Measure 11 is a one-strike law, meaning a minimum sentence of nearly 6 years, including children 15+ (tried in adult court) with no early release for good behavior. Over 56% are first-time offenders, many are nonviolent crimes. A judge cannot consider any circumstances during sentencing.

FICTION: The crime rate was increasing before Measure 11 became law.

FACT: Oregon's crime rate remained constant between 1980 and 1995 according to the F.B.I. The Sentencing Guidelines put more repeat and serious offenders behind bars for longer terms, not Measure 11. Drug crimes are not under Measure 11.

FICTION: It's cheaper to house offenders than to rehabilitate.

FACT: We are spending \$90 million a year to imprison 3,400 Measure 11 inmates. A \$1 Billion prison-building project is currently underway. Money that used to fund successful rehabilitation programs has been cut. For the first time in Oregon's history, more is spent on prisons than schools.

FICTION: Inmates live a life of luxury in prison.

FACT: Rules are very strict. A cell for 2 at Oregon State Penitentiary measures less than 2 sheets of plywood. At another prison 200 inmates watch one 19" TV. Inmates can be punished up to 6 months in isolation. Health care is almost nonexistent. Four teenage girls under Measure 11 committed suicide in 1998.

(See *The Oregonian* "Study: Violent Criminals Getting Longer Terms" (10/1/94); "Dumb on Crime" (8/20/97); "School Funding Suffers as State Locks Up Money for New Prisons" (8/18/96); "Dying at Hillcrest" (2/22/98).

Vote YES on 94 and bring JUSTICE back to Oregon!

(This information furnished by Vern Beardslee, Southern Oregon Citizens to Repeal Measure 11.)

(This space purchased for \$500 in accordance with ORS 251.255.)

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## ARGUMENT IN FAVOR

REPEAL Measure 11

The TRUTH about Measure 11

- Passed in 1994 using scare tactics that "crime was out of control." However, the F.B.I. determined violent crime between 1980-1995 was NOT increasing in Oregon.
- Measure 11 is a one-strike sentencing law that also **applies to children 15+** (tried in adult court). The **minimum** sentence under measure 11 is 5 years 10 months with no probation, parole, or early release.
- Measure 11 does not allow any consideration of the circumstances involved in any given situation, therefore, usurping rightful authority from the courts and the Jury.
- Assault 2 = fistfight **even for self-defense!** – 5 years 10 months.
- Kidnapping 2 = forcing a person to the other side of a room!! – 5 years 10 months.  
(*The Oregonian*: 10/1, 10/19/94; 8/21/95; 6/23, 8/20/97; 7/5/00)

Who wrote Measure 11? And why?

- Representative Kevin Mannix wrote Measures 10, 11, and 17, financed by corporate money, and all promote prison labor.
- Inside Oregon Enterprises is a state-owned \$19 million business using prisoners - jobs law abiding Oregonians need!  
(*Summary Report of Campaign Contributions and Expenditures, 1994 General Election; 1994 General Election Voters' Pamphlet; The Business Journal, 11/26/99; 1999-2000 Oregon Blue Book, p.45; The American Prospect Sept./Oct. 1999*)

**STOP Oregon's slave labor market**

Measure 94 will reduce taxes

- Increase the tax base by converting non taxed prisoner jobs into free market taxed income jobs that law abiding people need to support their families.
- Inmates will be resentenced (not retried) under the highly successful Sentencing Guidelines.
- It costs over \$90 million a year to keep 3,400 Measure 11 adults and children in prison. (*The Oregonian* 10/1/94; Dept. of Corrections statistics)
- Save \$153.6 million in bond repayment costs.

**TheAmericanVoice.com** (541-826-9050) and **ChristianMediaNetwork.com** (541-899-8888) have information available to learn more about prison labor and it's destructive effects on the people of Oregon, their children and their future.

**Be Smart on Crime - Vote YES on 94!!!**

(This information furnished by Frank Hayes.)

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# Measure No. 94 Arguments

## ARGUMENT IN FAVOR

**Oregon Public Health Association and Oregon Pediatric Nurse Practitioners Association Urge you to vote Yes on Measure 94.**

When Oregon approved mandatory sentences, publicity focused on getting hard-core criminals off the street. **Few realized the law applied to anyone 15 and over.**

Once passed, the 1995 and 1997 Legislature changed the law drastically. Mandatory sentences now apply to those who are simply in the presence of someone who commits a violent act. Even worse, judges are not able to set sentences that are appropriate for a youth's actions or needs.

As public health professionals, we believe prevention and early intervention must be an integral part of our efforts to keep our communities safe.

**We are spending \$28,000 a year per child to keep them in prison.** That money could be spent more wisely on programs that reduce crime and build better adults.

**Give judges the discretion to place young people in programs that help them become responsible and accountable adults.**

A recent *Oregonian* article (Feb. 24,2000) reported that most youths serving time under Mandatory sentences do so in isolation, to keep them separated from the hardened adult criminal populations.

- They do not have access to appropriate educational and treatment opportunities.
- They do not interact with others.
- They do not receive drug and alcohol counseling.

Studies show that youthful offenders who do hard time have a much higher recidivism rate than those who spend time in juvenile facilities and receive proper educational and counseling services.

**We can do better for our children, even those who run afoul of the law.** We must allow judges to set appropriate sentences for youthful offenders. For as any parent knows, while you must sometimes punish, you must also provide an opportunity to become responsible.

Oregonians would never abandon their children. Yet that's exactly what we do with mandatory sentences. **Please join us in returning justice and balance to our court system. Please Vote Yes on Measure 94.**

*(This information furnished by Cathi Lawler, Parents Against Cruel & Unusual Punishment.)*

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## ARGUMENT IN FAVOR

My son Aaron is in prison for 7-and-a-half years because a car he loaned to an acquaintance was used in a robbery. Aaron wasn't even there when the crime was committed. But because of mandatory sentences, he's doing over 7 years. Worse yet, he's been in an adult prison since he was 17.

It happened in 1996. Aaron was 17.

Aaron was at a party with friends. Responsible adults were present. A young man asked to borrow a car.

Even though he knew he shouldn't, Aaron let him use the car. In the end, that was his crime.

The young man supposedly took Aaron's car to the store. He returned two-and-a-half hours later.

**Over a year and a half later the police arrested Aaron** for the robbery of two young women. Despite the fact that two eyewitnesses said Aaron was not even there, Aaron was convicted along with the young man who did commit the robbery.

The judge in the case said he was shocked the case was even brought by the government prosecutor. He said there was clearly reasonable doubt that Aaron was involved.

But because Aaron was tried alongside the man who did commit the crime, he was found guilty.

Now Aaron is 22. He has spent nearly 3 years in an adult prison. My son was an outstanding student and had nearly completed his coursework at a Portland Chef School. Now he is forced to live alongside hardened, career criminals in an adult facility.

If the judge in Aaron's case had the discretion to set a more appropriate sentence, Aaron would be free today. But under Oregon law, the judge had no leeway and was forced to sentence Aaron to a mandatory sentence.

No other child should have to face what Aaron has been through. No other family should suffer as we have.

**Please Vote YES on Measure 94.**

Cindy Weight, Hillsboro  
Aaron's mom

*(This information furnished by Cynthia E. Weight.)*

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# Measure No. 94 Arguments

## ARGUMENT IN FAVOR

### **Judge L. L. Sawyer Endorses Measure 94**

I am a recently retired judge with 40 years of experience, still serving as a Senior Judge. Since the enactment of Measure 11, I have heard cases where I was forced to hand down a mandatory sentence, even when the facts supported a far different punishment.

By electing judges, the voters put great trust in our ability to fashion a sentence which will punish, rehabilitate when possible, and, most of all protect the public.

When forced to deliver sentences of over 7 years for first-time offenders, or children who made a drastic mistake and can be rehabilitated, or mothers who commit a crime to feed their children and are then ripped away from those same children, then these goals are not being met.

The mandatory sentencing law known as Measure 11, and expanded by the Legislature in the past two sessions, ties the hands of judges, making them nothing but puppets for sentencing. Under mandatory sentences, the length of prison stay is engraved in stone, no matter the age of the defendant or whether the defendant stands a good chance of being rehabilitated.

Before mandatory sentences, judges used sentencing guidelines that ensured criminals would be locked up. These guidelines still gave judges the right to set the length of incarceration depending on the circumstances of the crime and the defendant's age. That's what judges are elected to do. Measure 94 returns that right to judges.

Our court system should be fair and balanced. Prosecutors and defense attorneys should be able to present their cases fairly. Once guilt has been determined, the judge should hold the power to weigh the facts and fashion the punishment to fit the crime. Mandatory sentences shift the weight of power into the hands of prosecutors.

**It's time to bring back balance.  
It's time to return control of the courtroom to the judge.  
Vote Yes on Measure 94.**

**Judge L. L. Sawyer  
Ashland**

*(This information furnished by Loren Sawyer.)*

*(This space purchased for \$500 in accordance with ORS 251.255.)*

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## ARGUMENT IN FAVOR

### **Measure 94 Brings Justice Back to Our Courts**

Over the past decade, politicians and government prosecutors have unleashed unprecedented attacks on our Bill of Rights to expand their own powers – at the expense of the rights of citizens.

#### **The result of this power grab:**

- Our prison system has exploded, costing us millions and millions of dollars to build prisons for first-time offenders, no matter the circumstances of their case.
- Prosecutors and politicians now determine sentences instead of judges.
- Our constitutional rights have been eroded.

#### **It's Time to Bring Justice Back By Passing Measure 94:**

- Judges will again be able to consider the age, previous record and intent of the accused when setting sentences within certain sentencing guidelines
- First-time offenders will not be treated as career criminals.
- Children between 15 and 18 who can be rehabilitated can get a second chance before being locked up with career criminals.
- Judges, not government prosecutors and politicians, will regain control of the courtroom.

#### **Measure 94 Puts Judges Back in Control of the Courtroom.**

No one believes criminals should get off lightly. But when 67% of the people convicted under the current harsh sentencing laws are first-time offenders, then we have taken fairness and balance out of our courts.

We elect judges to make wise decisions in the courtroom. By passing Measure 94, we return the balance between judges, government prosecutors and the rights of the accused.

Measure 94 doesn't let criminals off easily. Measure 94 merely allows the judge to decide the sentence based on the circumstances of the crime.

In the criminal justice system, every case should be decided on its own merits.

**Please vote yes on Measure 94. Bring Justice Back to our Courtrooms.**

*(This information furnished by Gary Swanson-Davies, Barbara Palen, Richard Nelson, Terry Stein, Sylvia Simms, Barb Jones.)*

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# Measure No. 94 Arguments

## ARGUMENT IN FAVOR

**If you want judges – not politicians and prosecutors -- in charge of our courtrooms,**

Vote Yes on Measure 94.

**If you believe first-time offenders should not be treated as harshly as career criminals,**

Vote Yes on Measure 94.

**If you object to children ages 15 to 18 being treated as career criminals, even if they have never been in trouble before,**

Vote Yes on Measure 94.

**If you voted for mandatory sentences before because you believed it would only apply to hardened criminals,**

Vote Yes on Measure 94.

**If you believe government prosecutors and politicians are grabbing power and working to take away your constitutional rights,**

Vote Yes on Measure 94

**If you want judges – not politicians and prosecutors -- to decide sentences based on the age of the defendant, the circumstances of the crime and the defendant's previous criminal record,**

Vote Yes on Measure 94

**If you want to bring balance and justice back to our courts,**

Vote Yes on Measure 94.

*(This information furnished by C. Dennis Williams, Cathi Lawler, Bill Lawler, Linda Swanson-Davies, Donna Frey.)*

*(This space purchased for \$500 in accordance with ORS 251.255.)*

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## ARGUMENT IN FAVOR

**Sentencing is the single-most important act the government takes against citizens because liberty is at stake. Therefore, sentencing should be done carefully, thoughtfully, and individually to insure that justice is served.**

Mandatory sentencing laws prevent the careful consideration of factors that allow a judge to fit the punishment to the crime and the offender. For that reason, Families Against Mandatory Minimums, a national organization dedicated to restoring judges' traditional role in the courtroom, endorses Measure 94's sentencing reforms.

- Mandatory sentencing laws shift sentencing discretion from judges to government prosecutors, undermining the traditional checks and balances in the criminal justice system.

- Mandatory sentencing laws create a "one-size-fits-all" sentence for totally different defendants. First-time offenders receive the same harsh sentences as career criminals.

- Mandatory sentencing laws prevent judges from considering all the factors of each case including intent, the circumstances of the crime, and the potential for rehabilitation.

- Mandatory sentencing laws force judges to hand down sentences that are wildly disproportionate to the offense. A fist-fight can result in a prison sentence of 6 years without parole.

- Mandatory sentencing laws apply to minors as young as 15, sending them to prison before they can even drive or vote.

- Mandatory sentencing laws fall disproportionately on minorities and those with the fewest resources to spend for top-notch attorneys.

**Let judges judge.**

**Give them the power to impose sentences that are appropriate to the offense and the offender.**

**Vote Yes on Measure 94**

*(This information furnished by Julie Stewart, Families Against Mandatory Minimums.)*

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# Measure No. 94 Arguments

## ARGUMENT IN FAVOR

### Measure 94 is endorsed by:

- Oregon Pediatric Nurse Practitioners Association
- Oregon Public Health Association
- Oregon ACLU
- Ecumenical Ministries of Oregon (representing over 250 churches and religious groups)
- National Association for the Counsel of Children
- Families Against Mandatory Minimums
- PAC-UP
- National Association of Defense Lawyers
- Oregon CURE
- Oregon Criminal Defense Lawyers Association
- A. Philip Randolph Institute

All these groups endorse Measure 94 because they know our criminal justice system is out of balance. They have seen the devastating effects of the current system on families and first-time offenders.

### **They have watched politicians and government prosecutors use fear and intimidation to control the courtroom.**

They have seen judges lose the ability to decide cases based on the age, previous record, the circumstances and the intent of the accused.

They have seen unprecedented building of new prisons, wasting valuable tax dollars that could be used to turn the lives of first-time offenders around before they become hardened criminals.

### Measure 94 Puts Judges Back In Control of the Courtroom.

### **Measure 94 Brings Fairness Back to the Criminal Justice System.**

### **Measure 94 Will Save the State over \$250 million in reduced prison construction costs.**

*(This information furnished by Jo Ann Bowman, State Representative.)*

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## ARGUMENT IN FAVOR

### My son is in jail for seven years... all because of ten days.

My 16-year-old son will spend the next 6 years in jail having consensual sex with his girlfriend. That's why we are urging Oregon voters to pass Measure 94.

When my son Justin met his girlfriend, she told him she was 15. He was 16 at the time.

One day after school, they had sex at a friend's house.

Soon after, the girlfriend's read her diary and discovered what had happened. Despite the fact several prosecutors turned the case down, my son was arrested and charged with second-degree rape. It turns out the girl was only 13.

Justin was 3 years and 10 days older than his girlfriend, 10 days over the age requirement that would have made his actions legal in the eyes of the law.

Justin was received a mandatory sentence of 75 months. The judge thought that sentence was unfair. He sentenced my son to three years. The prosecutor appealed. Now the Oregon Supreme Court says under current law Justin must serve the full 75-month sentence.

### **Measure 94 would allow judges to determine the length of sentence. Current law gives them no leeway.**

When children are incarcerated like adults, even when they have never been in trouble with the law, our criminal justice system is out of balance.

No one believes criminals should get off lightly. But no one believes that young, first-time offenders should serve the same sentences as career criminals.

### **Help us bring justice back to our courts. Let's put judges back in charge of the courtroom. Please vote yes on Measure 94.**

Jim Thorp  
Justin's father

*(This information furnished by James E. Thorp.)*

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# Measure No. 94 Arguments

## ARGUMENT IN FAVOR

**A criminal justice system should be one of checks and balances. In Oregon, government prosecutors have more power than judges. That's wrong. And that's why we need to pass Measure 94.**

We, the voters of Oregon, were misled into allowing this power shift when we voted for mandatory sentences for all people age 15 and up in 1994.

**Since 1994 the Legislature has drastically changed what we passed.** We have stood by helplessly as prosecutors and politicians have run amok with more power than we ever imagined.

The current system has proven over the past five years to be far too expensive:

- Too expensive in terms of tax dollars being used to incarcerate people who would be better served by treatment and rehabilitation, while saving our prison beds for truly violent offenders.
- Too expensive in the cost of lives ruined by incarcerating children with adults and non-violent offenders with violent ones.

**We must bring justice back to Oregon** by returning to the sensible, fair and equitable sentencing guidelines that were in effect prior to 1995.

These guidelines made it necessary for all branches of our judicial system to share in the power of sentencing, with the final decision resting with the people we elect to make those decisions – judges.

These guidelines allowed for the checks and balances necessary to keep one branch of our judicial system from having too much power.

**We must bring justice back to Oregon before it is too late; before too much damage has been done.**

**We can bring justice back to Oregon's courts by voting YES on Measure 94.**

Betty Moore  
Grants Pass

*(This information furnished by Betty J. Moore.)*

*(This space purchased for \$500 in accordance with ORS 251.255.)*

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## ARGUMENT IN FAVOR

**MANDATORY SENTENCES:  
DESTRUCTIVE TO SOCIETY.  
DESTRUCTIVE TO OREGON.**

**We Oregon Voters were made many promises of great things if we approved the Mandatory Sentencing Law in 1994. Every one of those promises has failed to come true.**

- We were promised there would be justice for all, when in fact the justice system is more out of balance now than ever.
- We were promised only violent offenders would fall under this law, but the majority are non-violent offenders have had their lives and their loved one's lives destroyed.
- We were promised rehabilitation and treatment programs weren't needed with this law as they were a useless waste of time and money, when years of research has proven just the opposite to be true.
- We were promised it would be cost effective when in fact the cost of this law has exceeded the benefits in every way.

**We were warned that mandatory sentences were full or inequities and hidden costs... and those warnings have been realized:**

- We were warned that the immense cost of implementing this measure would grow annually, thereby dwindling the tax dollars left available for education and health care.
- We were warned that the judicial system would lose the ability to make the punishment fit the crime, and it has.
- We were warned this law would not deter crime and it has not. In fact, states without mandatory minimum sentencing laws have seen crime drop much faster than Oregon has.
- We were warned this law was so poorly drafted that it would, at tremendous cost, cause years of expensive litigation and create more injustice than it sought to remedy. That's exactly what we have experienced.
- We were warned this law would have a devastating consequence on the youth of our communities and we've all seen that happen throughout Oregon.

**We must bring justice back by voting Yes on Measure 94.**

Karen Cain, Wolf Creek

*(This information furnished by Karen Cain.)*

*(This space purchased for \$500 in accordance with ORS 251.255.)*

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# Measure No. 94 Arguments

## ARGUMENT IN FAVOR

**If you are concerned about public safety, I urge you to vote yes on Measure 94.**

John Dilulio is a respected criminologist and a devout early proponent of incarceration. On March 12, 1999, however, he wrote an article in the *Wall Street Journal* entitled "2 Million Prisoners Are Enough." Dilulio's research also suggests that the nation has "maxed out" on the public-safety value of incarceration." He calls for keeping the prison population around two million and even aiming to reduce it over the next decade. Measure 94 will help accomplish that goal.

**Measure 94 is tough, but fair.**

I am certain Dilulio would take issue with Oregon's current sentencing, where young first-time offenders are sentenced for minor offenses to five years and 10 months to the brutality of prison rape and violence that, despite the best efforts of dedicated corrections personnel, still occur in our adult prisons.

One thing criminologists know for certain is that people tend to grow out of their antisocial behavior, so incapacitating the violent offenders through incarceration for long periods is sound public policy. Under Measure 94, this incarcerating the violent will not change. **The problem with the current sentencing structure is that it catches far too many young, first-time offenders who pose no threat. It brutalizes them and makes them worse. It must be reformed.**

**We as taxpayers end up paying the price as the Oregon state corrections budget surpasses the state's higher education budget.** We also pay the price when they return to our communities 5 years and 10 months later.

Measure 94 is a measured effort to curb the excesses of current sentencing structure and make the Oregon criminal codes tough, but fair. **I urge you to vote yes on Measure 94.**

Chip Shields  
Executive Director  
Better People  
Portland, Oregon

*(This information furnished by Chip Shields, Executive Director, Better People.)*

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## ARGUMENT IN FAVOR

**THE ACLU OF OREGON URGES YOU TO VOTE "YES" ON MEASURE 94**

Oregon's sentencing laws currently do not allow judges to fit the punishment to the crime. We have a "one strike and you're out" method of sentencing that does not work for Oregon.

**Measure 94 returns control of courtrooms to judges.** In many cases under current law, judges are forced to sentence first time offenders to very lengthy prison terms for relatively minor crimes. This has stripped judges of their right to deliver fair sentences that fit the crime.

**Measure 94 will allow judges to consider the whole picture.** We need to be tough on crime but at the same time we need to make sure that juveniles who have never been in trouble with the law don't get treated like career criminals.

When we impose mandatory sentences on first-time juvenile offenders and lock them up with adults, we end up producing hardened criminals when they come out of prison. This is not only wrong, it's expensive and it puts all of us at greater risk.

**The facts should fit the crime.** Currently, prosecutors coerce guilty pleas to lesser crimes because the accused can't afford to risk the chance they might be convicted of the more serious charge and spend many years in prison. When a first time offender "cuts a deal" rather than have a jury decide their guilt or innocence, the justice system stops working. Judges and juries should decide what happens to the accused, not prosecutors. **Measure 94 restores balance to our criminal system.**

**Measure 94 puts judges back in charge, restores balance, and brings justice back to the courtroom.** It's about giving judges the right to set sentences based on the individual's criminal history, the crime committed and the circumstance surrounding that crime.

**LET'S MAKE THE SYSTEM WORK  
VOTE "YES" ON MEASURE 94**

For more information write ACLU of Oregon  
PO Box 40585, Portland, OR 97240  
or [www.aclu-or.org](http://www.aclu-or.org)

*(This information furnished by David Fidanque, American Civil Liberties Union of Oregon.)*

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# Measure No. 94 Arguments

## ARGUMENT IN FAVOR

The consequences of having Measure-11 Law is like being an umpire at a baseball game-- One team does not like the call so it fires the ump, and then takes over the decision making process themselves-- Which team do you think they're going to favor.

Remember if you think the "ONE STRIKE YOUR OUT LAW" with a minimum 5 years, 10 months Mandatory Sentencing, and the Judge's hands tied, could not happen to your teenage Son, Daughter, or Grandson, YOU'RE WRONG - It will change your life forever.

*(This information furnished by Candice Jenkins.)*

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## ARGUMENT IN OPPOSITION

### CRIME VICTIMS UNITED ASKS YOU TO VOTE NO ON MEASURE 94

Measure 94 retroactively slashes sentences for violent crimes: robbery, assault, kidnapping, rape, manslaughter, attempted murder and murder.

If Measure 94 is passed, **over 3000 of Oregon's violent criminals will be resentenced under more lenient guidelines.** The sentences of most will be reduced and the sentences of many will be reduced by as much as one-half to two-thirds.

An estimated 800 to 1300 criminals, **including kidnappers, rapists, child molesters and killers,** will be released within 90 days of the election.

Virtually all future violent criminals in Oregon will receive more lenient sentences. The minimum prison term for murder will be reduced from 25 years to 8 years; for forcible rape, from 8 years to 2 years and 4 months. In many cases, judges have no choice but to give the minimum sentence.

The cases of many violent youth offenders, **even murderers and rapists,** will be tried in juvenile court. If convicted they will be released at age 21.

### **Make no mistake, innocent people will pay dearly if Measure 94 is passed.**

Measure 94 proponents have used extensive misrepresentations to advance their cause. They want you to believe that Measure 11, which Measure 94 repeals, affects petty offenders. **Untrue.** Measure 11 addresses sentences for the most serious crimes of violence and sexual abuse.

They want you to believe that youth are sent directly to adult prison and get no rehabilitation under Measure 11. **Untrue.** All convicted youth go to the Oregon Youth Authority (OYA) where they receive education, counseling and treatment. Any youth who wants to emerge a better person can stay at OYA until age 25.

Many more blatant misrepresentations are documented at [www.crimevictimsunited.org/measure11/misrepresentations.htm](http://www.crimevictimsunited.org/measure11/misrepresentations.htm).

Please keep in mind when making your decision that the lives of innocent people depend on your vote.

In the following pages, you will read statements from a small sample of thousands of victims.

### **VOTE NO ON MEASURE 94**

*(This information furnished by Steve Doell, Crime Victims United.)*

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# Measure No. 94 Arguments

## ARGUMENT IN OPPOSITION

**IF MEASURE 11 IS REPEALED, MY DAUGHTER'S RAPIST WILL ALMOST CERTAINLY BE RELEASED WITHIN NINETY DAYS OF THE ELECTION.**

In July 1995, my nine year old daughter was drugged with three powerful narcotics, raped, and left unconscious. The 43 year old rapist was arrested, convicted, and sentenced under Measure 11 to nine years in prison. Before Measure 11, the typical sentence for this rapist would have been just three years.

In the past, the rapist made threats against me and my children. I moved them to another town while waiting for the trial. They were taken out of school in the middle of the year, and it was very difficult for them.

My daughter is now fourteen years old and is looking forward to starting high school. She wants nothing more than to enjoy these years as a carefree teenager. She hopes to have four more years before the rapist is released in the year 2004. She will then be eighteen years old and will have graduated from high school. She deserves to enjoy these years free from fear.

**If Measure 11 is repealed, my daughter's rapist will almost certainly be released within ninety days of the election and we may have to relocate again.**

**Please vote no on Measure 94** so my daughter and other child victims of violent crime may have a few more years to grow up in peace and safety. It takes more than a few years for victims of violent crime to recover from the trauma and begin to rebuild their lives. Measure 11 helps to provide that needed time.

**VOTE NO ON MEASURE 94!**

Carol Wyatt  
Crime Victims United

*(This information furnished by Carol Wyatt, Crime Victims United.)*

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## ARGUMENT IN OPPOSITION

**Giving MY SON'S MURDERER the chance to be RELEASED in FOUR YEARS is too big a risk to take.** That's why I'm voting **NO** on Measure 94.

On May 21, 1998, **KIP KINKEL murdered my son**, Mikael. My son was sitting at a cafeteria table with friends, enjoying his junior year in high school. Kip Kinkel walked in with hundreds of rounds of ammunition; after already shooting my son twice, he put the gun to his head and shot him a **third** time!

**My son died immediately.**

**Let me tell you about my son.** He had a terrific imagination, and loved to entertain his friends with pranks and his technological abilities. He was engaged to be married to his girlfriend – together, they planned to join the Oregon National Guard. He was full of promise, energy, and ability.

**Now, let me tell you about his murderer.** The first three words in Kinkel's black journal were "Hate drives me." He said he "hated every person on earth." After killing his own father, he shot his own mother seven times, killing her. He methodically cleaned up the mess, set bombs around his house, killed my son, then another student, and wounded dozens more.

**If Measure 94 passes, Kip Kinkel – and thousands of other violent criminals – will have to be resentenced under Oregon's old, more lenient sentencing laws!**

That means my son's murderer would be released at age 21 – in less than four years – if he were sentenced as a juvenile! Even if the prosecutor could convince the judge to sentence him as an adult, Kinkel could serve as little as ten years.

Voting yes on 94 gives my son's murderer the chance to fulfill what he wrote in his journal: **"I am evil. I want to kill and give pain without cost."**

If you think Kip Kinkel should serve his full sentence, please join me in **VOTING NO ON 94**, an ill-considered, poorly-thought out measure.

**Michael A. Nickolauson**

*(This information furnished by Michael A. Nickolauson, Crime Victims United.)*

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# Measure No. 94 Arguments

## ARGUMENT IN OPPOSITION

### VOTE NO ON MEASURE 94!

On July 14, 1995 my twenty one year old daughter, my **only child, was murdered** by her former partner in the presence of their two year old son. My daughter's body has yet to be recovered. I cannot explain the trauma and grief of losing a child by homicide. The pain is ever present.

The justice system cannot compensate for the loss of a child, nor a child's loss of his mother. But by fair, just, and equitable sentencing it lends value to the victim's life and some peace to the surviving family.

My daughter's son deserves to be protected from this criminal. This child is serving a **TRUE LIFE SENTENCE**, forever deprived of his mother, and stigmatized for life that his father murdered his mother, a murder that he witnessed.

Measure 11 ensures that this criminal will serve a minimum of twenty five years of his life sentence before being eligible for release. **If Measure 11 is repealed this offender could receive as little as a ten year sentence.** In considering his five years served and "good time", this criminal could be released when our little boy is as young as nine or ten years old.

Be aware that by eliminating Measure 11 in totality, ALL serious offenders sentenced under Measure 11 will be **RESENTENCED**, including **MURDERERS, RAPISTS AND CHILD ABUSERS**. If Measure 11 is repealed many of these criminals will be released immediately. As voters, we will **NOT** be able to go back and correct that wrong. It will be a done deal!

I believe that voters want to stay strong in sending their message that Oregonians demand **CONSEQUENCE** to people who **CHOOSE** to commit heinous acts.

I believe that Oregon voters will not repeal Measure 11.

### Please Vote No On Measure 94!

Susan Panek

*(This information furnished by Susan Panek.)*

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## ARGUMENT IN OPPOSITION

### ON AUGUST 25, 1997, I WAS STABBED 13 TIMES WITH A BUTTERFLY KNIFE AND WITH BARBER SCISSORS BY MY OWN SON.

He was almost 16, at 6'1" and 220 lbs. The questions most people ask me are: Was he on drugs? Was he in prior troubles? Any troubles in the family? The answers are "**No**". He was never molested, abused, neglected or any of the other things people try to rationalize as the cause of violent behavior. Good kids come from bad families. Bad kids come from good families.

He's serving 15 years for **Two Counts of Attempted Murder, Assault 1, and Assault 2** at **McLaren Youth Facility** and may stay there **until he is 25.**

From the attack I've been left partially disabled. My mother died not long after my attack and my father suffered a heart attack. The 6 year old son of a family friend was placed into counseling because he was having nightmares that my son would come and kill him and his baby sister.

People who were once close have drifted away because they are afraid. They're afraid my son will turn on them next. I feel **their worries are valid. I wasn't the only person he was going to kill.** He was going to kill everyone in the family AND in his girlfriend's family.

**If Measure 11 is repealed, I will have to go through the trauma of a new trial and look, once more, at the bloody weapons he was using to kill me. If sentenced in juvenile court, he may be released immediately.**

I can never trust him again. I'm terrified for the rest of my family, but more so for **YOUR** families. If you met him, you would never know he's capable of killing. He's intelligent, witty, profound, trustable,... and very Deadly. I pray he doesn't end up in your neighborhood.

### VOTE NO ON MEASURE 94

Donna Mainord, C.H.T.  
Victim Assistance Volunteer

*(This information furnished by Donna Mainord, Crime Victims United.)*

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# Measure No. 94 Arguments

## ARGUMENT IN OPPOSITION

### HOW VIOLENT DOES A PERSON HAVE TO BE ?

On November 18, 1994 a complete stranger stabbed my husband, Andrew McDonald, to death. This stranger's attack was unprovoked. His rampage resulted in two homicides that night – he also slit the throat of his 'best friend.'

I too was assaulted with his knife as was another person who was trying to defuse this man's fury. In all, he stabbed us more than 40 times.

This has devastated me, Andy's mother, his brother, and other family and friends.

Horrifying facts about the perpetrator's past emerged during the penalty phase of the trial.

His rap sheet was filled with violent behavior. He had stabbed another 'friend' a few years before for drinking the last beer in the cooler. The victim's friends had to hold his intestines intact because they were 'falling out' as they rushed him to the hospital. The perpetrator was convicted for Assault II, given **PROBATION**, which he violated 3 times and because of that, was resentenced in 1991 to 5 years in prison.

### HE WAS BACK ON THE STREETS IN '93!

Other testimony revealed that he had chased his father-in-law down a hospital ward with a butcher knife, kicked his pregnant wife in the abdomen, and knifed strangers on walks in the Rose City neighborhood in Portland. He hit corrections officers, threatened lives, and terrorized people.

How violent does a person have to be before they are locked up to secure our safety?

### MUST WE WAIT UNTIL THEY COMMIT A MURDER?

By then it's too late.

Had Measure 11 been in effect, with its mandatory minimum sentences, my husband would be alive today. Measure 11 keeps VIOLENT CRIMINALS OFF THE STREETS!

If Measure 94 passes, it will cost lives. Maybe yours or someone's you love.

### I URGE YOU TO VOTE NO ON MEASURE 94!

From a person who knows all too well.

Debra Oyamada  
Crime Victims United

*(This information furnished by Debra Oyamada, Crime Victims United.)*

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## ARGUMENT IN OPPOSITION

### How the Criminal Justice system squandered my father's life.

**June 25, 1996** was a day that changed not only my life, but also the lives of my family and an entire community. It was the day my father, an innocent, law-abiding citizen, was brutally stabbed 16 times. My father, Paul Rivenes, owned a small grocery store in Hubbard, Oregon. On that Tuesday afternoon, which I will never forget, three men decided they wanted beer money so they planned the robbery and murder of my father. They preyed on him because (in their words) they knew he was older and alone and would be an easy target.

Two of these men had extensive criminal records including assaults among many other criminal acts. The criminal that was the decoy and distracted my father so the other could butcher him had a conviction for Assault II with a knife.

**Had Measure 11 been in effect when these men committed their prior crimes of violence my father might be alive today.** These men would have been held accountable for their previous acts and been locked away, taken out of society so they could not assault or harm innocent, law-abiding citizens.

By voting for Measure 94, you would be making a statement that the lives of my father and other innocent, law-abiding citizens mean nothing. If Measure 94 is passed the prison term of at least one of my father's killers could be cut in half. The 29 years he got for planning my father's murder would be cut by 50%. That means he would be out on the street sooner, given a chance to kill again.

Because of these men my life will never be the same. But **at least they are being held accountable for their crimes and cannot commit such a vicious act again.**

Don't take the risk of squandering another human life.

### PLEASE VOTE NO ON MEASURE 94

Julie Hedden  
Daughter of murder victim Paul Rivenes

*(This information furnished by Julie Hedden, Crime Victims United.)*

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# Measure No. 94 Arguments

## ARGUMENT IN OPPOSITION

### MY DREAMS ENDED ON MY DAUGHTER'S 20TH BIRTHDAY.

Now, the nightmare is back with Measure 94, which would permit the **EARLY RELEASE** of the criminal who killed my daughter.

On August 11, 1996, my daughter Natasha was on her way to her 20th birthday party with two friends. A woman who was a convicted felon and high on drugs ran a red light and drove her truck directly into Natasha's side of the car.

My daughter inhaled her own vomit because the rescuers had difficulty removing her from the wreckage. After fourteen days, Natasha died of fatal injuries to her brain, lungs and abdomen.

My daughter was innocent and had her whole life to live. But her life was cut short by a 37 year old ex-con drug addict who used drugs and got behind the wheel of a car, drove at high speeds, committed hit and run, lied to the police, endangered and abandoned her own sons, jumped bail, and was a fugitive from the FBI for more than a year.

In 1998, a jury took less than two hours to convict her unanimously on eight charges, including Manslaughter I.

I am **extremely grateful** for Oregon's **existing sentencing laws** under Ballot Measure 11. Under our existing sentencing laws, the criminal who killed my daughter will serve every day of her 10 year sentence for Manslaughter. But if Ballot Measure 94 passes, the killer will go back before the court, likely to be re-sentenced to just **60-70%** of her original Manslaughter sentence!

Who wants Measure 94 to pass? Defense attorneys and family members of convicted criminals! That's because Measure 94 would allow most criminals convicted under Ballot Measure 11 to be resentenced to **SHORTER PRISON TERMS**.

A mother should be able to send her child out on her birthday and have her come home. But my daughter will never come back.

**Please vote NO on Measure 94.**

Marlene Wirtanen

*(This information furnished by Marlene Wirtanen, Crime Victims United.)*

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## ARGUMENT IN OPPOSITION

### Here's what one of KIP KINKEL'S VICTIMS has to say about Measure 94.

Before you think about voting yes on 94, please read what I have to say.

On May 21, 1998, I was finishing my junior year at Thurston High School in Springfield, Oregon. My boyfriend and I were in the school cafeteria. I stood up to hug him and wish him a happy birthday.

Suddenly, a bullet ripped through my boyfriend's chest and through my right hand, and then another bullet entered my lung. Those bullets – and 49 other rounds that day – were courtesy of my schoolmate, **Kip Kinkel**.

After 10 days in the hospital, I still have scars that don't heal – on my hand, my body, and heart. Remember, I'm one of the "lucky" ones: **I SURVIVED**.

Measure 94 would require Kip Kinkel to be **resentenced** under Oregon's OLD sentencing laws. That means **KIP KINKEL** would be **RELEASED WHEN HE TURNS 21**, if he were sentenced as a juvenile!!! And even if the prosecutor could convince the judge to sentence him as an adult – which is not guaranteed – Kip Kinkel would almost certainly be allowed **early release**.

I am terrified that one day I will have to go through **Kip Kinkel's wrath** again. If Kip Kinkel is resentenced, I will be living in fear every day, along with my family and fellow victims, that if he is released, he will hunt us all down.

I just wonder if the supporters of Measure 94 have really thought this through. Do they really want Kip Kinkel to get out of prison early? Do they really want crime victims like me – and family members of the deceased – to have to live in fear of his release?

### **GIVING KIP KINKEL A CHANCE TO GET OUT AT AGE 21 IS TOO BIG A RISK TO TAKE.**

That's why I'm asking YOU to **Vote NO on Measure 94**.

**Jennifer Alldredge  
Springfield, Oregon**

*(This information furnished by Jennifer Alldredge, Crime Victims United.)*

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# Measure No. 94 Arguments

## ARGUMENT IN OPPOSITION

### MEASURE 94 UNDERMINES JUSTICE

In the eight years since my 12-year-old daughter Lisa's murder, I have come across hundreds of cases of victims denied justice, as our family was. **Her killer served just 28 months under the very sentencing guidelines that Measure 94 seeks to restore.** Her mother, brother, and our families were sentenced to life without Lisa and without the joys she would have brought us – birthdays, graduations, wedding, grandchildren and love.

The approval of Measure 94 would result in hundreds if not thousands of additional miscarriages of justice. I want to tell you about one of them.

Brian Lawler had been involved in gang activity, had been arrested, and was well known to police prior to the crime, but had never been convicted.

On May 5, 1995, Brian Lawler, with no provocation whatsoever, attacked Dave Clarke with a baseball bat. He hit Clarke three times. Clarke, Mount Hood Community College student body treasurer and a straight-A student, suffered permanent brain and vision damage. The attack ended his college career and his plans for the rest of his life. He suffers from ongoing seizures.

The day before sentencing, Brian Lawler and his brother committed a burglary for which he was convicted of Aggravated Theft.

Lawler pled guilty to Assault I and Assault III. He received a 90 month sentence for Assault I. The judge sentenced him to 14 additional months for the Assault III and 12 additional for the Aggravated Theft. Only the Assault I is a Measure 11 crime.

If Measure 94 passes, Brian Lawler will be resentenced. As a "first-time offender", his 7-1/2 year sentence will be cut in half and **he will be released** from McLaren Youth Facility. Meanwhile, Dave Clarke still has brain and vision damage and seizures, and will for the rest of his life.

**Brian Lawler's** mother, **Cathi Lawler**, is chief petitioner on Measure 94.

### VOTE NO ON MEASURE 94

Steve Doell, President  
Crime Victims United  
[www.crimevictimsunited.org](http://www.crimevictimsunited.org)

*(This information furnished by Steve Doell, Crime Victims United.)*

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## ARGUMENT IN OPPOSITION

### Honest citizens of Oregon:

As a juvenile corrections worker, I'd like to offer my perspective on Measure 11 and Measure 94.

Since Measure 11 passed in 1994, I've witnessed firsthand the positive changes in the mindset of incarcerated youth. Before, they had the notion of invincibility, knowing the law allowed them years of criminal activity without serious consequence. Too often the same youths rolled in and out of our institutions several times, finally ending up in prison or dead on the streets.

Since Measure 11, we have youths long enough, early in their criminal careers that we can make some headway with treatment and expose them to lifestyle choices which don't involve physical or sexual violence. Often we offer the first stable environment that they've ever known. The extra time Measure 11 has afforded us gives these youth a chance to change their mindset and accept our efforts at turning their lives around.

One myth claims that we are locking up 'first time offenders'. The fact that many offenders have never been convicted before does not mean that they have spent their lives singing in the church choir. Working at Hillcrest Youth Correctional Facility, I see in every file arrest after arrest and suspended sentence after suspended sentence.

What Measure 94 calls 'first time offenders' actually means 'first time in a locked facility'. There's a huge difference. While these criminals and their enablers are crying for a 'second chance', they've already had multiple chances.

In my daily contact with incarcerated youth, I hear honest reluctance to re-offend, and warnings to their younger siblings about Measure 11. Where in the past they recruited at-risk youth into criminal activities, they now dissuade them.

Repealing Measure 11 would be counterproductive for the very youth the supporters of Measure 94 claim to want to help. Their efforts would be better spent working towards prevention and post-sentence opportunities.

### VOTE NO ON 94.

Thank you  
Robert Blacksmith

*(This information furnished by Robert Blacksmith, Crime Victims United.)*

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# Measure No. 94 Arguments

## ARGUMENT IN OPPOSITION

### MEASURE 94 LETS VIOLENT YOUTH OFFENDERS WALK AT AGE 21

Measure 94 would overturn the convictions of Kip Kinkel and 350 other criminals who were under 18 when they committed their crimes. Measure 94 requires that these criminals be returned to juvenile court and retried under procedures that existed prior to the passage of Measure 11. Unless "waived" by the judge to adult court, these dangerous criminals would be released on their 21st birthday.

The murder of Scott Bell and the brutal beating of Tim Hawley attest to the difficulty, prior to Measure 11, of convincing juvenile court judges to allow even the most dangerous youth to be tried in adult court.

Scott Bell was lured to a remote location near Mt. Hood, **shot in the head execution-style and buried in a shallow grave.** Scott's killer admitted committing the murder to acquire Scott's car. After a Clackamas County judge refused to waive him to adult court, the killer bragged that he **"got way with murder"**.

The murderer walked out of McLaren Youth Facility at age 21.

Tim Hawley was brutally beaten by three youths outside the Lloyd Center as he and his fiancée were leaving a movie theater. Hawley was tackled, **beaten and kicked in the head until unconscious, then thrown down a flight of stairs.** In order to save his life, doctors had to remove the front portion of Hawley's brain.

Eight years later, Tim Hawley is still severely disabled.

The two primary participants both had substantial juvenile court records. One was on probation for raping a 4 year-old. The other perpetrator had been previously referred to juvenile authorities for participating in a similar gang beating. Nonetheless, the juvenile court judge again refused to waive either youth to adult court for trial.

These criminals were released from custody before age 21.

**Don't turn back the clock to the failed policies of the past.**

**VOTE NO ON MEASURE 94.**

Steve Doell  
Crime Victims United  
[www.crimevictimsunited.org](http://www.crimevictimsunited.org)

*(This information furnished by Steve Doell, Crime Victims United.)*

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## ARGUMENT IN OPPOSITION

### THE MEASURE 94 "JUDICIAL DISCRETION" DECEPTION

Measure 94 proponents want you to believe that Measure 94 allows a judge to choose a fitting sentence from a wide range of sentences. **This is a deception.**

In a 7/29/2000 letter to *The Oregonian*, Measure 94 chief petitioner Lorraine Heller wrote:

"For murder the guideline range was 10 years to 22 years and 5 months while under Measure 11 the sentence is 25 years . . . The important difference is that under the guidelines, judges were free to sentence within a specified range."

Does this make you think that a judge can choose a sentence from 10 years to 22 years? If so, you were deceived. For a convicted murderer who is a "first-time offender", in the vast majority of cases, **the range of sentences available to the judge starts at 10 years and ends at 10 years and one month!**

To receive the 22 year sentence, the murderer has to have committed three prior violent crimes. And even then he is eligible for a "good-time" reduction.

Here is the effect of Measure 94 on minimum prison terms for some Measure 11 crimes.

- Forcible rape would drop from 8 years, 4 months to 2 years, 5 months.
- Manslaughter II would drop from 6 years, 3 months to **PROBATION.**
- Murder would drop from 25 years to 8 years!

For more, see [www.crimevictimsunited.org/measure11/sentencingcomparison.htm](http://www.crimevictimsunited.org/measure11/sentencingcomparison.htm).

Why are "minimum prison terms" important? Because in most cases, judges are forced to give the minimum sentence to "first-time offenders", even first-time kidnappers, first-time rapists and first-time murderers. And even if the "first-time offender" has had numerous run-ins with the law but was never convicted of a serious crime.

The proponents of Measure 94 are betting that they can fool you into believing that a judge can choose from a wide range of sentences.

**DON'T BE DECEIVED.**

**VOTE NO ON MEASURE 94**

Joanne Vaughn  
Crime Victims United  
[www.crimevictimsunited.org](http://www.crimevictimsunited.org)

*(This information furnished by Joanne Vaughn, Crime Victims United.)*

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# Measure No. 94 Arguments

## ARGUMENT IN OPPOSITION

### MEASURE 94 WOULD RETURN TO A BROKEN SYSTEM

In 1989 Oregon's legislature adopted "sentencing guidelines". The sentences established were not what the legislature thought just, but rather were based on limited prison space. Between 1958 and 1988, the number of prison beds actually decreased while the state's population tripled.

Almost everyone who worked on sentencing guidelines knew the sentences were low, especially for violent offenses. We simply lacked adequate space to house our most violent offenders for an appropriate time. The legislature was told that, once the public understood what kind of sentences were actually imposed, they might change the law. In 1995 they did when 66% of voters approved Measure 11.

Sentencing guidelines restricted the maximum sentence a judge could give a violent offender. With the exception of murder, upon certain findings, judges could and did give probation (no prison time) for violent felony offenses, including forcible rape, armed robbery, and brutal assaults. **It's no wonder that criminal defense attorneys and convicted criminals like sentencing guidelines.**

Opponents of Measure 11 say it took discretion away from the courts. That is very misleading. Measure 11 did take away a court's ability to impose probation and lesser sentences for violent crimes. It did not take away a court's discretion to impose greater sentences in some circumstances or concurrent sentences for multiple offenses. And in 1997, the Oregon Legislature returned discretion to judges by passing Senate Bill 1049.

If Measure 11 is repealed the violent crime rate in Oregon will increase significantly. **The opponents of Measure 11 will never acknowledge what they have done. Unfortunately, thousands of victims will find out the hard way.** Some will die; many will have physical and mental scars that will last their entire lives. **Don't let this happen.**

Let's not dismantle a system that is working and replace it with sentencing guidelines that were broken the day they became law.

### VOTE NO ON MEASURE 94.

Steve Doell  
Crime Victims United  
[www.crimevictimsunited.org](http://www.crimevictimsunited.org)

*(This information furnished by Steve Doell, Crime Victims United.)*

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## ARGUMENT IN OPPOSITION

### MEASURE 94: A RETREAT IN THE WAR AGAINST CRIME

In 1994, I sponsored Measure 11 because, like you, I was fed up with weak sentences for violent crimes. Measure 11 received 66% of the vote. Measure 94 throws out Measure 11, and will return violent criminals to the streets.

Before Measure 11, murderers actually served an average of less than 9 years in prison, and rapists actually served less than 3 years in prison. Measure 11 requires that each murderer serve at least 25 years in prison and each first-degree rapist serve at least 10 years in prison. Other violent crimes also receive mandatory minimums.

Measure 11 is not a "three strikes and you're out" law and was never presented as such. Measure 11 lets the crime define the time served.

Since Measure 11 went into effect in 1995, the rate of violent crime in Oregon has gone down every year, for a 23% reduction in five years.

This means 72,000 Oregonians have not been murdered, raped, robbed, assaulted, or kidnapped, largely because Measure 11 violent criminals have been incarcerated rather than caught and released.

At present, over 3,200 violent criminals are incarcerated as a result of Measure 11. Measure 94 requires that all of these violent criminals be re-sentenced within 90 days, under the old, weak sentencing laws. This is an incredible burden on police, prosecutors, the courts, victims and their families, and taxpayers. Virtually all of these violent criminals will have to be provided with taxpayer-paid lawyers to represent them in the re-sentencing cases.

When the old, weak sentencing laws are applied to these violent criminals, nearly 1000 of them will be eligible for immediate release from prison.

For more information, please refer to Measure 11 and Measure 94 on my Web Site, [Kevin.Mannix.com](http://Kevin.Mannix.com).

Please vote NO on Measure 94 to continue to protect our families, our neighborhoods, and our schools from violent criminals.

Kevin L. Mannix  
State Representative

*(This information furnished by Kevin L. Mannix, Justice For All.)*

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# Measure No. 94 Arguments

## ARGUMENT IN OPPOSITION

### OREGON'S PROSECUTORS URGE YOU TO VOTE NO ON MEASURE 94

As Oregon's elected prosecutors we deal daily with the devastation caused by violent crime. Measure 11 requires criminals convicted of the most serious and violent felonies to serve a minimum term in prison ranging from just under 6 years years (for child molestation) to 10 years (for manslaughter) in prison.

#### MEASURE 94 WILL RESULT IN IMMEDIATE RELEASE OF OVER 800 KILLERS, CHILD MOLESTERS, AND ROBBERS!

Measure 94 would not only completely repeal Measure 11, requiring judges to impose much more lenient "guidelines" sentences, but all 3000 of the worst criminals in Oregon would have to be re-sentenced within 90 days. Judges will have NO CHOICE but to IMMEDIATELY release at least 800 of these killers, rapists, and robbers. Worse yet, the wounds of all 3000 crimes will be re-opened as each of these criminals gets a new sentencing hearing, forcing the victims to revisit the horror of the crimes.

#### MEASURE 94 IS BASED ON FALSE ASSUMPTIONS AND MIS-STATEMENTS

Don't mistake Oregon's sensible sentences - which range from 6 years for child molestation to 8 years for rape to 25 years for murder, for the far more drastic "three strikes laws" that exist in California or federal mandatory drug sentences.

#### JOIN YOUR LOCAL D.A. AND THE OREGON DISTRICT ATTORNEY'S ASSOCIATION AND VOTE NO ON MEASURE 94

- Scott Heiser, Benton County
- Terry Gustafson, Clackamas County
- Joshua Marquis, Clatsop County
- R. Stephen Atchison, Columbia County
- Paul Burgett, Coos County
- Gary Williams, Crook County
- Michael Dugan, Deschutes County
- Jack Banta, Douglas County
- Timothy Colahan, Harney County
- John Sewell, Hood River County
- Mark Huddleston, Jackson County
- Clay Johnson, Josephine County
- Edwin Caleb, Klamath County
- Doug Harcleroad, Lane County
- Jason Carlile, Linn County
- Dale Penn, Marion County
- David Allen, Morrow County
- William Porter, Tillamook County
- Christopher Brauer, Umatilla County
- Russell West, Union County
- Daniel Ousley, Wallowa County
- Bob Hermann, Washington County
- Thomas Cutsforth, Wheeler County
- Bradley Berry, Yamhill County

*(This information furnished by Joshua Marquis, Oregon District Attorney's Association.)*

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## ARGUMENT IN OPPOSITION

### THE OFFICERS OF THE PORTLAND POLICE ASSOCIATION URGE YOU TO VOTE NO ON BALLOT MEASURE 94

The men and women of the **Portland Police Association** know how crime impacts people. The victims are not statistics. They are your friends, families, and neighbors.

Everyday, members of the **Portland Police Association** work with the victims of the criminals which Measure 94 would put back on the street:

- **Violent criminals** who have raped women and children.
- Repeat **predators** who find the weak and innocent to prey upon.
- The **worst** offenders of the prison system who have **repeatedly** or **violently** destroyed peoples lives.

The **Portland Police Association's** motto is:

#### Maintaining the Vigil

We have dedicated our lives to maintaining the vigil to protect the citizens who live, work, and visit the City of Portland. We **know** what criminal violence does to the lives of the citizens we have sworn our professional lives to protect and serve. The Portland Police Association is proud of the job the criminal justice system has done, with the common sense of Measure 11 to lock up violent criminals. Common sense members of the public have sat on juries and heard the evidence. They have found the criminals guilty!

Since Measure 11 was passed by the voters of the State of Oregon, crime has gone **DOWN!**

- **Vicious rape has gone DOWN!**
- **Violent robbery has gone DOWN!**
- **Brutal assault has gone DOWN!**

Measure 11 has provided the officers of the **Portland Police Association** a tool that has helped us to protect **you!**

The men and women of the **Portland Police Association** urge you to help protect the weak, the innocent, and the unprotected. The officers, sergeants, detectives, and criminalists of the **Portland Police Association** ask that you, too,

#### Maintain the Vigil

#### VOTE **NO** ON MEASURE 94

*(This information furnished by Kurt R. Nelson, Portland Police Association.)*

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# Measure No. 94 Arguments

## ARGUMENT IN OPPOSITION

### MADD OREGON ASKS YOU TO VOTE NO ON MEASURE 94

The volunteers of Mothers Against Drunk Driving Oregon, (MADD Oregon), ask you to vote NO on Measure 94, a measure that repeals minimum sentences for violent felonies and requires resentencing of those already serving time for past crimes.

This measure flies in the face of our mission: "To stop impaired driving, support the victims of this violent crime and prevent underage drinking."

Measure 94 would provide early release to those now serving time for crashes where Oregonians were seriously injured, disabled for the rest of their lives, or killed.

Measure 94 would reduce the penalties for those who choose, despite warning after warning, to commit these crimes in the future.

Impaired drivers who kill innocent people are often convicted of Manslaughter II. **Under Measure 94, the penalty for Manslaughter II can be as low as PROBATION.**

The victims and the families of victims will never get their lives back to where they were before the crash. Measure 11 gives them some recompense for what they have suffered. **Measure 94 would deny them this little bit of justice.**

MADD volunteers throughout Oregon have worked tirelessly to improve the safety of our citizens by increasing awareness of the seriousness of impaired driving. We work with law enforcement, the State Legislators and with the many victims to make Oregon a better place to live and raise families without the fear of a life-changing tragedy due to an impaired driver's thoughtless act. **Measure 94 would undermine our long years of effort.**

Measure 94, if passed, would put life-threatening offenders back on the road sooner. With greatly-reduced penalties for those who commit these felonies in the future, more innocent people would be maimed and killed.

MADD Oregon asks that you consider the safety of your loved ones and of all law-abiding Oregonians.

**Vote NO on Measure 94.**

Jeanne Canfield, Vice Chair  
MADD Oregon

*(This information furnished by Jeanne Canfield, Mothers Against Drunk Driving Oregon.)*

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## ARGUMENT IN OPPOSITION

### DON'T SEND THE WRONG MESSAGE!

When voters passed Measure 11 in 1994, critics predicted the cost of new prisons to house all the prisoners would break the budget. Instead, violent crime rates have fallen every year and the cost of prisons is expected to be a quarter of what was predicted.

Across the country, crime rates have been falling because states have passed tough sentencing laws. Although these laws vary, their message to potential criminals is the same: **IF YOU DO THE CRIME, YOU'LL DO THE TIME.**

Now some Oregonians want to send a different message. They want to repeal Oregon's tough sentencing law and return to the days when criminals knew they could be arrested and convicted and still do little or no jail time, even for violent crimes.

### DON'T BE FOOLED!

Ballot Measure 94 won't just amend Measure 11, **IT WOULD REPEAL MEASURE 11.**

Not only that, but it is **RETROACTIVE.** This means over three thousand criminals already convicted of violent crimes will be eligible for early release, many of them immediately.

Measure 11 does not apply to drug crimes or property crimes. Some people confuse Measure 11 with California's "Three Strikes and You're Out" law, which applies to all felonies. **MEASURE 11 ONLY APPLIES TO CRIMES AGAINST PEOPLE, WHERE VIOLENCE IS USED OR THREATENED.**

Significantly, Measure 11 applies to nearly all serious crimes where guns are used. Many supporters of Measure 94 also support tougher gun laws, yet **REPEAL OF MEASURE 11 MEANS SHORTER SENTENCES FOR PEOPLE WHO USE GUNS IN VIOLENT CRIMES.**

### MEND IT, DON'T END IT!

Measure 11 isn't perfect. It was designed as statutory law, not a constitutional amendment, so that modifications could be made based on experience. In fact, major improvements were made by the 1997 Legislature. But a complete repeal of Measure 11 will tilt the scales of justice back in favor of the criminal.

### VOTE NO ON MEASURE 94!

**--Jack Roberts, Oregon labor commissioner**

*(This information furnished by Jack Roberts.)*

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# Measure No. 94 Arguments

## ARGUMENT IN OPPOSITION

### PARENTS OF MURDERED CHILDREN, INC. OPPOSES MEASURE 94

Parents of Murdered Children, Inc. is a national organization with 2,000 Oregon members. Our members have suffered the greatest of losses and felt the deepest of pains.

**We want you to understand the trauma that Measure 94 would inflict on us.**

Measure 94 forces survivors of homicide back to court for a new sentencing hearing. A sentencing hearing is a traumatic, wrenching experience for families. They once again come face-to-face with the criminal who shattered their lives. They often hear their loved one torn down while the murderer is portrayed in glowing terms.

**Families and friends that have gone through this ordeal should not be forced to go through it again.**

If the family is "fortunate", the murderer receives a just sentence. This is a critical step toward healing – it tells the family that our community values the life of their murdered loved one. **Measure 94 would slash that just sentence, leave the family betrayed, and deepen fresh wounds.**

In the cases of youth murderers, it would be even worse. Measure 94 would force the family through a "waiver" hearing, and in many cases through an entire new trial and sentencing hearing. This process could stretch out over years, requiring the family to dredge up painful memories again and again.

Measure 11 has spared Oregon families the heartbreak that our members have known. One of my son's murderers had a prior conviction for stabbing an innocent girl. He was released from custody after less than three years. Authorities said he was capable of murder, but they could not hold him.

**Measure 11 gave us the ability to hold people like that. Measure 94 would take it away.**

What message would we send by the early release of the killers of innocent men, women and children?

### PARENTS OF MURDERED CHILDREN, INC. ASKS YOU TO VOTE NO ON MEASURE 94.

Mary Elledge, Chapter Leader  
Parents of Murdered Children, Inc.

*(This information furnished by Mary Elledge, Parents of Murdered Children, Inc.)*

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## ARGUMENT IN OPPOSITION

Fellow Oregonians:

I ask you to oppose Ballot Measure 94.

In 1989, felony sentencing guidelines made Oregon a "just desserts" state: punishment is to fit the crime. As a private citizen, I chaired the panel the Legislature charged to develop the guidelines, which scaled punishment by crime seriousness and offender's criminal history. Sentences for serious crime went up a lot compared with prior law.

As a private citizen, I voted against Ballot Measure 11—not because I viewed its sentences overall as too severe but because I don't favor our making major General Fund spending decisions outside the Legislature's budget process. Oregonians decided otherwise, as they are entitled to do. As Attorney General, I have worked successfully to defend Measure 11 against constitutional attack, and to compel sentences required by Measure 11 when not imposed.

In 1997 my office, with District Attorneys and others, helped develop legislation giving more sentencing options for some less serious offenses. I believe that effort previewed the way we should approach Measure 11 change: a careful effort to ensure sanctions are always "just desserts," especially for youth offenders.

Judged by that goal, we can further improve Measure 11. Measure 94, however, is not the way to do that. Measure 94 would reverse all Measure 11 policy decisions, including its sentences for the most serious crimes. Those sentences are stern but just; we should retain them.

Measure 94 would also compel resentencing thousands of offenders within a short time, with huge impact on our judicial system, jails and victims; and would immediately release over 800 offenders, many convicted of very serious crimes.

Again, our policy goal, which I strongly support, should be to ensure Measure 11 always achieves "just desserts" sentencing. We can, and should, get to that goal without throwing out all Measure 11 sentencing policy.

I ask you to join me in voting against Ballot Measure 94.

Attorney General Hardy Myers

*(This information furnished by Hardy Myers.)*

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# Measure No. 94 Arguments

## ARGUMENT IN OPPOSITION

### MEASURE 94: A BAD IDEA WITH A LOT OF BAD CONSEQUENCES.

As the elected District Attorney of Multnomah County and a citizen of Oregon, I ask you to vote No on Measure 94.

- **Measure 94 will let out of prison or significantly reduce the sentences of many very dangerous criminals.**
- In Multnomah County alone it is estimated that **700 - 800 of these criminals will have to be resentenced** within 90 days if the measure passes.
- **Measure 11 works.** At the time of its passage, the violent felony crime rate in Multnomah County was growing. Almost from the day of its passage that rate has gone on a steep decline. **In Portland alone, comparing 1994 to 1999, reported cases of Murder, Rape, Robbery and Aggravated Assault dropped more than 2500 a year.**
- **We have successfully worked with the legislature to improve Measure 11.** We will certainly continue to work if further improvements are necessary.
- **Measure 11 has never included drug or property offenses.** It has only applied to the most serious person felonies in our law.
- **Measure 94 is one-sided and it is not fair to victims.** Victims will be told that the criminal who hurt them or their family member must be resentenced to what in most cases will be much shorter sentences, including outright release in many cases.
- **Measure 94 will transfer most juveniles back to juvenile court** and then **reduce** the time a juvenile can be kept under juvenile jurisdiction from **25 to 21 years of age.** This will include the most violent juvenile offenders including murderers, rapists and armed robbers.

**The changes Measure 94 will make are dangerous.** The cases where we will see this danger are Murder, Manslaughter, Forcible Sexual Assaults, Armed Robberies and kidnappings.

**I ASK YOU TO VOTE NO ON 94. THERE IS TOO MUCH AT STAKE.**

*(This information furnished by Michael D. Schrunck.)*

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## ARGUMENT IN OPPOSITION

### Democratic Women For Justice Urge You to Vote No On 94

As victims' advocates we have fought long and hard for those most vulnerable, abused children and battered women. Measure 11 gives us a tool to put the perpetrators of violent crimes against women and children behind bars so their victims can be safe.

One out of four women say they've been victims of domestic violence or stalking by a spouse, partner or date at some point in their lives, according to a new report by the National Institute of Justice. **When such incidents escalate to brutal assaults, rapes and murders, we need the protection and justice that Measure 11 provides.**

For children the news is even more grim: according to the U.S. Department of Health and Human Services, one girl in four and one boy in six has been sexually abused by age 18. The average age of child sexual abuse: eleven. A typical pedophile will abuse dozens of children before they are arrested. **Again, Measure 11 provides the tool for keeping these predatory sex offenders off the streets.**

Fortunately, society is taking a much more proactive stance in stemming this epidemic. **We must continue our zero tolerance for the perpetrators of these heinous crimes.** Measure 94 is a giant step backwards. **If Measure 94 passes hundreds of Oregon's most violent predators will be resentenced and eligible for release.**

In a criminal justice system that provides every protection for the criminal the victim is often overlooked. **We urge our fellow Democrats and Victims' Advocates to filter through the rhetoric and join us in preserving mandatory minimum sentences for violent criminals, child molesters, rapists, the most violent of batterers and murderers.**

**Please join us to ensure that we never go back, VOTE NO on Measure 94.**

### Democratic Women For Justice

Rosanne M. Sizer  
 Mary L. Botkin  
 Donna Henderson  
 Stacy J. Heyworth  
 Tiana G. Tozer  
 Charlotte Comito  
 Christine Kirk

*(This information furnished by Charlotte Comito, Tiana Tozer; Democratic Women for Justice.)*

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# Measure No. 94 Arguments

## ARGUMENT IN OPPOSITION

### Oregon AFSCME Corrections Officers Oppose Measure 94

As significant members of the Oregon Corrections community and a critical part of the Public Safety team, we agree that the mandatory sentencing law (passed in 1994 as Measure 11) needs modifications. This year's Measure 94 repeal doesn't do that!

Oregon AFSCME Corrections represents the vast majority of Corrections Officers and other Corrections staff in the state prison system. We understand all of the problems – from the inside. There are things to be "fixed," but Measure 94 won't do that.

Measure 94 has several flaws:

- **Measure 94 doesn't have the flexibility it needs.** In some cases, less violent crimes may need to be dealt with less harshly. We feel that judges need more discretion in these cases. Measure 94 proponents claim it gives judges discretion, but it still leaves judges no leeway in these cases.
- **Measure 94 is retroactive.** As written, Measure 94 could lead to releasing dangerous, violent criminals back into our society. We know. We supervise these criminals 24 hours a day. Many would re-offend immediately, causing untold harm to Oregonians.
- **Measure 94 puts an unfunded financial burden on local government.** Under Measure 94's retroactive clause, each inmate originally sentenced under Measure 11 must be re-sentenced. This requires transporting thousands of inmates back to their county of conviction and housing them in local jails. To make room, we would have to release local dangerous criminal defendants awaiting trial.

**What should happen?** We believe **ALL** Oregon law enforcement professionals should sit down with victims' advocates, defense attorneys, and legislators to accomplish the goal of improving Measure 11 without putting Oregonians at risk. In 1997 Senate Bill 1049 made some improvements and we can do it again.

### Join us in voting **NO!** on Measure 94.

Oregon AFSCME Corrections

Tina Turner-Morfitt, Intake Center  
Jim Reynolds, Oregon Women's Correctional Center  
Kevin Jackson, Snake River Correctional Institution  
Hermann Green, Columbia River Correctional Institution

*(This information furnished by Don Loving, Oregon AFSCME Council 75.)*

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## ARGUMENT IN OPPOSITION

### HOUSE SPEAKER LYNN SNODGRASS SAYS VOTE AGAINST MEASURE 94

#### HOLD JUVENILE OFFENDERS ACCOUNTABLE

As Speaker of the House, I am writing to vigorously oppose Measure 94. Measure 94 sends the wrong message at the wrong time.

Since the passage of Measure 11 in 1994, the Oregon Legislature has passed several laws to carry out the will of voters. During the last legislative session, we adopted groundbreaking legislation to prevent juvenile crime and help at risk youth stay on the right path.

Measure 94 would undermine this effort in two ways.

First, it sends the message to at-risk youth that they can commit serious crimes without paying serious consequences. Second, it could mean the release of hundreds of convicted violent and sex offenders who may lead impressionable youth down the wrong path.

Let's send a consistent message to the youth of our state:

Be a constructive citizen and we will provide all the help we can.

But choose a life of crime, and we will hold you accountable.

**VOTE NO ON MEASURE 94**

Lynn Snodgrass  
Speaker of the House

*(This information furnished by Lynn Snodgrass, Speaker of the House.)*

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# Measure No. 94 Arguments

## ARGUMENT IN OPPOSITION

### Oregon Chiefs of Police and Sheriffs Say NO on 94

As Chiefs of Police and Sheriffs, we are responsible for protecting communities in Oregon. The men and women in our charge will have to cope with the fallout from Measure 94.

The resentencing requirement of Measure 94 will result in the early release of 800 to 1300 people convicted of violent and sex crimes. Our officers will face personal danger as they re-arrest those who re-offend. They will be the ones to deal with the additional victims of violence, and to notify victims' families.

By taking the most dangerous criminals off the streets, Measure 11 enhanced the ability of police officers and deputies across Oregon to protect you. It allows us to spend more time stopping crime before it happens. Measure 94 would take us back to the days when our officers arrested violent criminals only to see them back in the community after a short sentence.

Among our many duties, the Sheriffs of Oregon are responsible for county jails. This is where people who commit non-Measure 11 crimes are housed. At a time when we already have to release offenders early for lack of space, **Measure 94 requires that we deal with 3300 offenders convicted of violent and sex crimes in a period of 90 days!**

If Measure 94 passes, these offenders all have to be resentenced. They all have to be transported from prison to the county of conviction. They all have to be housed in county jails. We don't have the room, we don't have the resources, and Measure 94 makes no provisions.

**Measure 94 would stress the entire law enforcement system.** And why? Measure 11 is working as designed. The most dangerous criminals are where they can't hurt innocent people. Violent crime rates have steadily declined. The resources of local law enforcement can now be focussed on prevention.

### Vote No on 94

Oregon Police Chiefs For Safer Communities  
Sheriffs of Oregon

*(This information furnished by Steven Winegar, Oregon Police Chiefs for Safer Communities; Stan Robson, Sheriffs of Oregon.)*

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## ARGUMENT IN OPPOSITION

### WHO WOULD MEASURE 94 HURT MOST?

If Measure 94 passes, most of Oregon's 3000 worst criminals will be released early. 800 to 1300 will be released within 90 days of the election. Some of them will commit new violent crimes. **Who will the new victims be?**

Violent criminals target those most vulnerable. The poor, children, women, and minorities will pay disproportionately for Measure 94.

A large percentage of the criminals to be released by Measure 94 are child molesters. **Children will pay disproportionately for Measure 94.**

Measure 94 requires resentencing 306 rapists. **Women will pay disproportionately for Measure 94.**

Minorities are victims of violent crime far beyond their numbers. FBI statistics show that an African-American is SIX TIMES MORE LIKELY TO BE MURDERED than a Caucasian. **Minorities will pay disproportionately for Measure 94.**

Measure 94 proponents say our criminal justice system is racist. **What is their excuse for slashing the sentences of the 2357 violent criminals who are Caucasian?** Some of these criminals committed racially-motivated crimes!

Victims of all races suffer the same from violent crime. When we are assaulted or raped, we hurt. When we are murdered, we die. And when violent criminals do these horrible things, we deserve justice.

What effect will released violent criminals have on minority communities? What kind of influence will they be on at-risk youth? One unspeakable tragedy tells the story.

Chad Render was an African-American student-athlete at Portland State University. He maintained a 3.26 GPA despite working 32 hours per week in a nursing home. He aspired to be an architect.

On July 27, 1997, a violent adult criminal recruited a 15-year-old to commit a robbery. During the robbery, **he murdered Chad Render.**

If Measure 94 passes, the ringleader's sentence will be reduced and he will come back into the community. **The community has lost Chad Render forever.**

Violent crime is a heavy burden on minority communities. **Measure 94 will make it worse.**

### VOTE NO ON MEASURE 94

*(This information furnished by Willie Brown.)*

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# Measure No. 94 Arguments

## ARGUMENT IN OPPOSITION

### MEASURE 11 IS WELL WORTH THE COST

The Measure 94 financial impact statement shows the cost of Measure 11 for the 2001-2002 budget year to be about \$48 million.

This is less than one percent of the 5 billion dollar state annual budget.

Each Oregonian will pay about \$15 in 2001-2002 for fitting sentences for violent criminals.

In other terms, **it costs you less than one cent per year to keep one robber, one kidnapper, one rapist, or one killer in prison.**

Is preventing additional violent crimes and having a criminal justice system that criminals take seriously worth \$15 per year to you?

This analysis does not take into account the **Measure 11 savings** from not having to re-arrest those who re-offend, investigate their new crimes, pay their new lawyers, pay for their new trials. It also does not take into account public and private medical and insurance savings gained from Measure 11.

How does Measure 11 spending impact education?

Education costs each Oregonian about \$890 per year compared to \$15 for Measure 11. **The impact of Measure 11 on education is that it educates people not to assault, rob, kidnap, rape or kill other people.**

In 1994, the voters of Oregon were told that Measure 11 would cost \$92 million per year for prison construction and \$101 million per year for operating costs, a total of \$193 million. 66% of Oregon voters approved these expenses. **The actual cost has been far less and the violent crime rate has dropped significantly.** The taxpayers of Oregon are getting their money's worth from Measure 11.

\$48 million a year is a lot of money, but it is money well spent when you consider the number of people not robbed, the number of children not abused, the number of women not raped, the number of people not killed because the citizens of the State of Oregon no longer tolerate violent crime.

### VOTE NO ON MEASURE 94

*(This information furnished by Howard Rodstein, Crime Victims United.)*

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## ARGUMENT IN OPPOSITION

### MEASURE 11 OPPONENTS PLAY LOOSE WITH THE FACTS

**Measure 94 sponsor Lorraine Heller:** "Oregon has Measure 11, the mandatory minimum sentencing law that hands out prison terms for 23 crimes deemed to be violent but that include fistfights and shoplifting." (*Oregonian*, 1/15/1999)

**Truth:** Measure 11 does not cover fistfights unless they are really assaults in which the victim suffers significant injury and the attacker has a prior conviction. Measure 11 does not cover shoplifting or theft under any circumstances. Measure 11 does cover robbery, assault, kidnapping, rape and other sex crimes, manslaughter, attempted murder and murder.

**Measure 94 sponsor Jo Ann Bowman:** "No one who has committed murder, rape, child molestation, or any vicious crime is going to get out because Measure 11 has been repealed." (Channel 2 News, 4/1/2000)

**Truth:** All 3000+ Measure 11 offenders will be resentenced under a system that provides for much shorter sentences. Most, including rapists and murders, will have their sentences significantly reduced. An estimated 800 to 1300 will be released within 90 days of the election.

**From the web site of Measure 94 sponsor Cathi Lawler:** "First time offenders, youth included, are incarcerated with hardened, repeat offenders. They share the same cells."

**Truth:** All youth offenders are sent to youth facilities run by the Oregon Youth Authority where they can stay until age 25. A small number (7 as of 8/1/2000) are in adult prison because they assaulted other youth or staff or refused treatment. Even those sent to adult prison are segregated from "hardened repeat offenders".

**Measure 11 opponent Emily Simon:** "It doesn't give people treatment options for example for juvenile sex offenders... You get treated like an adult and you go to prison." (KPAM radio, 5/11/2000)

**Truth:** Treatment provided by the Oregon Youth Authority includes drug and alcohol rehabilitation, violent offender treatment, psychological services, anger management and education.

For more, see [www.crimevictimsunited.org/measure11/misrepresentations.htm](http://www.crimevictimsunited.org/measure11/misrepresentations.htm).

### VOTE NO ON MEASURE 94

Howard Rodstein  
Crime Victims United

*(This information furnished by Howard Rodstein, Crime Victims United.)*

*(This space purchased for \$500 in accordance with ORS 251.255.)*

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# Measure No. 94 Arguments

## ARGUMENT IN OPPOSITION

### MORE MEASURE 94 MYTHS

**Fiction:** "The percentage of first-time offenders [is] 60%" (A February 2 letter to *The Oregonian* from Measure 94 sponsor Cathi Lawler)

**Fact:** The 60% figure comes from the Department of Corrections. The DOC has stated that their records do not include juvenile crimes, do not include out-of-state crimes, do not include out-of-country crimes and do not include some serious misdemeanors (e.g., domestic violence and drunk driving).

In a random sample done by the Multnomah County District Attorney's office, 84% of the Measure 11 criminals had a prior criminal record. Among the 16% of "first-time offenders" were two who had long histories of child molestation. For the remainder, it was first convictions for robbery, rape, child molestation and manslaughter. (For details see [www.crimevictimsunited.org/measure11/measure11study.htm](http://www.crimevictimsunited.org/measure11/measure11study.htm))

**Fiction:** "For murder the guideline range was 10 years to 22 years and 5 months while under Measure 11 the sentence is 25 years... The important difference is that under the guidelines, judges were free to sentence within a specified range." (A July 29 letter from Measure 94 sponsor to *The Oregonian*)

**Fact:** For a convicted murderer who is a "first-time offender", in the vast majority of cases, the sentence range available to the judge starts at 10 years and ends at 10 years and one month!

**Fiction:** "Mandatory minimum sentencing has quadrupled the prison population in recent years." (A July 28 letter printed in the *Eugene Register Guard*.)

**Fact:** According to statistics from the Oregon Department of Administrative Services, the prison population was 7290 in April, 1995, when Measure 11 went into effect. The estimate for July 1, 2000, was 9861. That is a growth of 35%, hardly a quadrupling. As of April of this year, just half the total growth going forward is attributed to Measure 11. The rate of growth is slowing.

**The proponents of Measure 94 want to sell you their fiction. Find the facts at** [www.crimevictimsunited.org/measure11/misrepresentations.htm](http://www.crimevictimsunited.org/measure11/misrepresentations.htm).

### VOTE NO ON MEASURE 94

(This information furnished by Howard Rodstein, Crime Victims United.)

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## ARGUMENT IN OPPOSITION

### HOW TO RIDE A BICYCLE OUT OF THE OREGON STATE PENITENTIARY

*Eugene Register-Guard*, July 27, 2000

A letter from an Oregon prison inmate appeared. He wrote:

"Voters passed an unfair law in 1994 that is putting 15 year olds in prison for a minimum of six years. It's called Measure 11, Oregon's flawed mandatory minimum sentencing law...I am well aware that one simple mistake can land a person in prison for a minimum of 70 months."

*Eugene Register-Guard*, August 1

Eugene resident Thomas F. Becker replied:

"I was quite amazed at the chutzpah of Oregon State Penitentiary inmate... We don't know what his crime was, but I imagine it involved more than 'one simple mistake'...The provisions of Measure 11 apply only to the most heinous criminal activity: murder, manslaughter, assault, kidnapping, rape, sodomy, robbery and sexual abuse."

*Eugene Register-Guard*, August 16

The parents of the inmate replied indignantly:

"Since we know what happened, we don't appreciate Becker 'imagining' our son's situation...Becker includes robbery (stealing your neighbor's bike) and assault (defending yourself against the school bully with a pocket knife) in his list of "heinous crimes" covered by Measure 11."

**Reality check:** Stealing a bike is not a Measure 11 crime, not even close. Self-defense is never a crime.

You don't have to 'imagine' the inmate's situation. Here are the facts.

**The inmate, age 21, was convicted of Sex Abuse I for molesting a 5-year-old girl.** He told police the molestation took place over a one year period.

If Measure 94 passes, his 6-year, 3 month prison term will be slashed to no more than 15 months and he will be released in 2001.

This criminal inmate, like many other violent criminals and sex offenders, is attempting to create a fictitious bicycle in your imagination. Once they create it, they'll ride it right out of prison.

### VOTE NO ON MEASURE 94

(This information furnished by Howard Rodstein, Crime Victims United.)

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# Measure No. 94 Arguments

## ARGUMENT IN OPPOSITION

### WHY I OPPOSE MEASURE 94

#### Justice

I believe that fitting punishment is an essential component of justice.

Measure 94 changes the minimum prison term for forcible rape from 8 years and four months to 2 years and four months. It changes the minimum prison term for murder from 25 years to 8 years. In many cases, judges have no choice but to give the minimum term.

Which prison term would you find just if your daughter were raped or your brother murdered?

#### Protection of Innocent People

Measure 94 reduces minimum prison terms for robbery, assault, kidnapping, rape and other sex crimes, manslaughter, attempted murder and murder by one-half to two-thirds.

Over 3000 criminals convicted of these crimes, including 480 sentenced for assault, 147 for kidnapping, 314 for rape, 187 for manslaughter, 145 for attempted murder, and 107 for murder will be resentenced (numbers as of 8/2000). Most will have their sentences reduced and 800 to 1300 will be released within 90 days of the election.

With hundreds of additional violent criminals on the streets immediately and thousands eventually, there will be many additional innocent victims.

#### Deterrence

Opponents of Measure 11 say that long sentences do not deter crime.

They may not deter everyone, but I believe that they deter some people. Each crime deterred is at least one fewer victim of robbery, assault, kidnapping, rape, manslaughter, attempted murder or murder.

The deterrent effect will continue to increase as people become more aware that violent crime is not tolerated in Oregon, but only if we stand firm.

#### Measure 94 Is Extreme

The sponsors of Measure 94 claim that they are concerned with cases involving "fistfights and shoplifting" (neither of which are Measure 11 offenses).

Then why does their measure slash sentences for rapists and murderers?

**Even if you share some of their concerns, slashing sentences for rapists and murderers is a horrible idea!**

### VOTE NO ON MEASURE 94

Gordon McDonald  
Crime Victims United  
[www.crimevictimsunited.org](http://www.crimevictimsunited.org)

*(This information furnished by Gordon McDonald, Crime Victims United.)*

*(This space purchased for \$500 in accordance with ORS 251.255.)*

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# Measure No. 95

Proposed by initiative petition to be voted on at the General Election, November 7, 2000.

## BALLOT TITLE

### **95 AMENDS CONSTITUTION: STUDENT LEARNING DETERMINES TEACHER PAY; QUALIFICATIONS, NOT SENIORITY, DETERMINE RETENTION**

**RESULT OF "YES" VOTE:** "Yes" vote requires student learning, not seniority, determines teacher pay; qualifications, student learning determine retention.

**RESULT OF "NO" VOTE:** "No" vote retains current laws for paying, retaining teachers by qualifications, including: performance, education, seniority.

**SUMMARY:** Amends Constitution. Currently, seniority and post-graduate study may determine public school teacher pay, job security. Measure requires public school teacher's pay, job security to be based on increase in students' appropriate knowledge while under teacher's instruction. Allows performance-based pay increases, certain across-the-board cost-of-living increases, retention of most qualified teacher of subject when layoffs occur. Prohibits automatic pay increases, job retention based on seniority. Applies to new or extended collective bargaining agreements signed on/after November 7, 2000.

**ESTIMATE OF FINANCIAL IMPACT:** State expenditures on higher education are estimated to increase \$11,600,000 during the first three years and \$5,350,000 per year after that.

Local school districts and community college districts expenditures are estimated to increase \$35,420,000 during the first three years and \$16,460,000 per year after that.

These expenditures will pay for additional testing of students, in order to measure teacher performance.

There is no impact on state or local government or revenues.

## TEXT OF MEASURE

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OREGON:

The Constitution of the State of Oregon is amended by adding the following section:

Section 1. (1) Whereas it is in the best interest of the children in the Oregon public school system that teachers be paid based on performance rather than seniority, and that the best teachers be retained when reductions in staff occur; pay and job security of public school teachers shall be based on job performance, not on seniority.

- (a) For purposes of this section, if a school or school district experiences a reduction in teaching staff, retaining one teacher over another teacher based on time on the job shall be considered job security based on seniority.
- (b) For purposes of this section, automatic step or pay increases based on time on the job shall be considered pay based on seniority.
- (c) For purposes of this section, increasing a teacher's pay based on the teacher having completed one or more post graduate college courses, or having received one or more post graduate degrees, shall be considered pay based on seniority. If the post graduate study improves the teacher's job performance, the teacher may be paid more based on

the improved job performance.

- (d) For purposes of this section, job performance shall mean the degree to which the appropriate knowledge of the teacher's students increased while under his or her instruction.
  - (e) No provision of this section shall be construed as requiring a school district to dismiss one teacher and keep another if doing so would result in the district retaining a teacher less qualified to teach the actual subject(s) to be taught, than the teacher dismissed.
  - (f) Granting an across the board cost of living pay increase to all teachers in the district, which increase is not in excess of the increase in the consumer price index, or its successor index, for the preceding year, shall not be prohibited under this section, provided that the base on which the increase is made is pay based on job performance, not seniority.
- (2) The provisions of this section shall not be applied so as to conflict with a collective bargaining agreement in effect on or before the effective date of this section, or applied in a manner which would cause a provision of this section to conflict with the U.S. Constitution. Neither a collective bargaining agreement signed after the effective date of this section, nor an extension to a collective bargaining agreement, which extension was signed after the effective date of this section, shall contain a provision that conflicts with this section.
- (3) If any phrase, clause, or part of this section is invalidated by a court of competent jurisdiction, the remaining phrases, clauses, and parts shall remain in full force and effect. If any provision of this section is found to violate or infringe upon the right of any individual or group under the U.S. Constitution, the provision shall remain in full force and effect for all other persons or groups for which no infringement has been found.

95

# Measure No. 95

## EXPLANATORY STATEMENT

Ballot Measure 95 amends the Oregon Constitution by adding a provision that changes the method by which all public school teachers, whether or not in a collective bargaining unit, are paid and laid off.

Under current law, a public school or school district may use length of time teaching and additional college course credits to determine a teacher's pay, including pay increases.

This measure prohibits public schools or school districts from paying a teacher based on length of time teaching or on additional college courses taken. Instead, this measure requires public schools and school districts to base a teacher's pay, including pay increases, on that teacher's job performance.

The measure defines job performance as the degree to which the appropriate knowledge of the teacher's students increased while under the teacher's instruction. The measure does not address how or by whom appropriate knowledge will be defined or measured.

The measure also changes the basis for determining which teachers are retained when layoffs occur. Under current law, public schools and school districts may use the length of time teaching as one factor in determining which teachers are retained when a layoff occurs. The measure requires that the increase in students' appropriate knowledge while under a teacher's instruction be the sole determining factor when making layoff decisions, unless doing so would result in the public school or school district retaining a teacher less qualified to teach the subject needed.

The measure allows cost of living pay increases to public school teachers, limited to the consumer price index. For the purposes of this measure, "public schools" include public elementary schools, public secondary schools, community colleges, state colleges and state universities, and all state and local institutions that provide education for patients or inmates.

The measure applies to collective bargaining agreements signed or extended after November 7, 2000.

**Committee Members:**

Rob Kremer  
 Becky Miller  
 Marc Abrams  
 Monica A. Smith  
 Karla Wenzel

**Appointed by:**

Chief Petitioners  
 Chief Petitioners  
 Secretary of State  
 Secretary of State  
 Members of the Committee

*(This committee was appointed to provide an impartial explanation of the ballot measure pursuant to ORS 251.215.)*

95

# Measure No. 95 Arguments

## ARGUMENT IN FAVOR

### IT'S ALL ABOUT SENIORITY!

Most Oregonians are shocked when they learn that about 95 percent of public school teachers' salaries are based solely on seniority. Not how well they teach. Just how long they've been there.

Good teachers are not rewarded. Incompetent teachers are protected. What's best for the kids is not even factored into the equation. It's all about seniority.

Nowhere is that more obvious than when lay-offs occur.

When a reduction in staff is required, do schools keep the best teachers? The answer may surprise you.

Thanks to collective bargaining contracts the teachers union has forced down the throats of every school district in the state, schools automatically keep the teachers who have been there the longest; even if they are the least competent, and even if some of the brightest and best must be laid off to protect those with seniority.

That really is how it works. No reward for a job well done. Just pay and job security based on seniority. Sure, teachers get an extra thousand bucks or so each year for extra college courses or degrees. But even that policy is a farce.

Thanks once again to the teachers union, extra college classes don't have to be related to subjects the teacher actually teaches. Math teachers can get paid extra for taking college courses in Modern Feminist Philosophy or Medieval Basket Weaving. That's really how it works.

Nothing in the current system is designed to improve the quality of the education our kids receive. The current system is designed merely to reward seniority.

Measure 96 would fix all that. Teachers would be paid based on the increase in the appropriate knowledge of students under the teacher's instruction. For teaching. And if lay-offs occur, school districts would keep the best teachers, not just those who have been there the longest. It's that simple.

For once, there would be some accountability in public education. Some reward for a job well done.

*(This information furnished by Becky Miller.)*

*(This space purchased for \$500 in accordance with ORS 251.255.)*

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## ARGUMENT IN FAVOR

### KEEP OUR BEST TEACHERS

It was a real eye opener for me the last time the Portland School District chose to lay off a few hundred school teachers as a way to finance pay raises for the remaining ones.

Never mind the politics of the district's decision to grant pay raises financed by laying off teachers. It was the way the lay-offs occurred that shocked me. Like most voters, I was a bit naive about the way such decisions were made. **I assumed the district would lay off the worst teachers and keep the best. Was I ever wrong!**

When a school district in Oregon reduces the size of its teaching staff, teaching skill and job performance are not the factors that determine who will go and who will stay. Pretty much all that matters is teacher seniority. The teachers who have been there the longest are the ones who stay. The teachers who are newest are the ones who are let go. It's written right into the contracts the teachers union makes with the districts.

A newer teacher may be brilliant, creative and energetic. The kids may love their classes and actually attend and learn. But none of this matters. **The teachers who have been there the longest stay, even if they're incompetent. The new ones are let go.**

How does this policy benefit the kids? Truth is, it doesn't.

**Measure 95 gives all Oregon school districts something they desperately need, the ability to keep the best, most qualified teachers.** Instead of school districts being forced to accept the union's seniority system when lay-offs occur; Measure 95 requires the district to ignore seniority and keep the teachers most qualified to teach the subjects for which teachers are needed.

If you're like me, you probably thought that's the way they did it already. It's not. More than 95 percent of the time, seniority is pretty much all that matters.

### VOTE YES ON MEASURE 95

*(This information furnished by Bill Sizemore, Oregon Taxpayers United.)*

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# Measure No. 95 Arguments

## ARGUMENT IN FAVOR

### YOU GET WHAT YOU PAY FOR

Our current system of paying teachers is designed to reward teachers for one thing: seniority. The longer they've been there, the more they get paid.

**When you reward something, you tend to get more of it. If you don't reward something, you get less of it.**

That's exactly what's happening in our schools. The teachers who have been there the longest get more money and more job security – regardless of whether they are doing a good job.

What we aren't getting more of is student learning.

Studies consistently show that how long a teacher has been teaching has no relationship to student learning. What that means is **we are rewarding something that has nothing to do with the purpose of our schools!**

It's pretty obvious that the best way to get more student learning – which is the purpose of our schools – is to tie teachers' pay to student learning. In other words, the more students learn, the more the teachers will be paid.

**And, in fact, where this has been tried it has worked!** North Carolina, which offers financial incentives to teachers for improved student learning, has shown the greatest student improvement in math and reading in the nation over the past ten years.

**It's time we put our money toward the thing we really are after: student learning.** And that's exactly what Measure 95 does.

Vote YES on Measure 95.

*(This information furnished by Becky Miller, Chief Petitioner.)*

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## ARGUMENT IN FAVOR

### MEASURE 95 IS THE ULTIMATE IN LOCAL CONTROL

If ever there was an opportunity for local school districts, parents, teachers, and school boards to start having some control over student learning, this is it.

Imagine the community getting to design a tailor-made teacher compensation package that reflects the values of the local community! Imagine the community being able to decide what students are expected to learn, and then being able to reward those talented teachers who get the job done!

You can't do that right now. Right now you have to pay all teachers the same, whether they are the best teacher your child has ever had or the worst teacher your child has ever had. That's not fair.

It's not fair to teachers and it's not fair to your kids.

Measure 95 doesn't specify a curriculum that kids are expected to learn. It doesn't specify how much teachers will be paid. It doesn't specify how student learning will be measured. It doesn't include – or exclude – ways to include the wide variety of factors that affect student learning. That's because we believe those are decisions that are best made by the people who are living in those situations, not by some statewide bureaucracy and not dictated in the state constitution.

Measure 95 will end the cookie cutter teacher pay system we have in Oregon that rewards teachers simply for getting older. It empowers local communities to reward teachers for teaching what those local communities value.

It's time we had real local control of Oregon schools. With Measure 95, we will have it.

*(This information furnished by Becky Miller, Chief Petitioner.)*

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# Measure No. 95 Arguments

## ARGUMENT IN FAVOR

### BEHIND THE CURTAIN

By now, you've been exposed to television and radio ads telling you what a lousy idea Measure 95 is and how unfair it would be to pay our hardworking, dedicated teachers based on student learning.

But let's take a peek behind the curtain and see what's really going on.

The NEA, the national teachers union, and its Oregon affiliate, the OEA, hate merit pay. They know as well as you and I that the current seniority based pay system undermines public education. But as unions, they know they cannot survive a pay system that rewards job performance. **For these unions to remain powerful, teacher pay and job security must be based on teacher seniority, not job performance.**

Here's why:

The purpose of the teachers union is to bargain with school districts to get higher pay for teachers.

**The seniority based system is so critical to the teachers union because it allows the union to demand higher pay raises than school districts can afford to pay.** You see, when the union demands higher salaries than the district can afford, the higher salaries must be financed by either increasing taxes or laying off as many existing teachers as it takes to save enough money to pay the remaining teachers the higher salaries.

But why would teachers allow their union to demand pay raises so large that some of them will lose their jobs? They wouldn't, unless, of course, everybody knows in advance who would get laid off and who would stay. With a seniority based system, they do. Those who have been there the longest stay, and newer teachers are let go; all regardless of job performance.

The end result of the seniority based system: Fewer teachers, crowded classrooms, and constant demands for more money for schools. All thanks to a system that rewards teachers for hanging around, not for doing what all good teachers strive for every day: Teaching kids.

*(This information furnished by Bill Sizemore, Oregon Taxpayers United.)*

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## ARGUMENT IN FAVOR

### TEACHERS: ARE THEY GOOD GUYS OR BAD GUYS?

Good luck figuring that out, if you listen to the teachers union.

On the one hand, the teachers union tells us that teachers are not motivated by money, only by the selfless desire to teach kids.

On the other hand, they tell us that passing Measure 95 will result in those same teachers abandoning real teaching and instead forcing their students to memorize useless facts on a test, all in the quest for more money for themselves.

Right.

Let's get real, now. The fact is most teachers ARE motivated by the selfless desire to teach kids. Most teachers are doing a great job. Most teachers are loved by their students.

And most teachers would – just like the rest of us – like to be able to earn more money for doing an outstanding job, but they can't because their union requires that they all be paid the same.

Measure 95 is not some black magic spell that will overnight transform your child's wonderful teacher into a self-centered, money-hungry jerk. All it will do is get rid of a teacher pay system that isn't serving the kids or the teachers well and replace it with a system that will reward good teachers for a job well done.

Please vote YES on Measure 95.

*(This information furnished by Becky Miller, Chief Petitioner.)*

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# Measure No. 95 Arguments

## ARGUMENT IN OPPOSITION

### THE OREGON PARENT TEACHER ASSOCIATION ASKS YOU TO VOTE NO ON MEASURE 95

**Measure 95 is a bad idea for Oregon's schools.** It is unfair and unnecessary. And it erodes local control of our schools. Measure 95 says that teachers will be paid based on the "academic performance" of their students. But there is no definition of student progress or of how the progress would be measured, nor any description of how to create or implement such a testing system. Furthermore, local communities will have no say in this process.

**Measure 95 is unfair.** Instead of encouraging collaboration between teachers, it fosters competition. Instead of letting local school districts work with principals, teachers, parents and school boards to find its own answers to ensure the best education for all our students, this creates more bureaucracy. Measure 95 doesn't ensure that a quality education will be available for all students.

**Measure 95 is bad for students.** Some of our best teachers choose to work with some of our most challenging students with severe special needs. Measure 95 does not take into account the challenges these teachers face and could easily discourage a teacher who wants to work in these most difficult and challenging situations.

**Measure 95 is fiscally irresponsible.** Measure 95 costs the state \$22 million dollars per year. This is money that would be better spent reducing class size, hiring more teachers, fixing leaky roofs or buying new textbooks.

- Don't risk losing our wonderful teachers who have the patience, perseverance and skill to work with difficult or challenged students.
- Don't risk losing the local control your school board has in determining the best way to hire and fire the teachers in your school.
- Don't risk harming students who may need the most help.

**Support our teachers and ALL of Oregon's students.**

**Please vote No on Measure 95.**

Kathryn Firestone, Oregon PTA President  
 Lisa Laursen Thirkill, Vice President for Legislation

*(This information furnished by Kathryn Firestone, President, Lisa Laursen Thirkill, V.P.; Oregon PTA.)*

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## ARGUMENT IN OPPOSITION

### **Oregon's Teacher of the Year Urges You To Vote No on Measure 95**

#### **It Doesn't Help Teachers Or Students**

I was named Oregon's Teacher of the Year in 1998. I was deeply honored and humbled by that recognition because Oregon has thousands of dedicated public school teachers.

**Measure 95 does not reward good teachers.** It is poorly written, vague, unrealistic and unfair. It does nothing to improve our public schools or teaching quality. **It is a risky scheme that takes millions of dollars away from our schools real needs – adequate funding.** Measure 95 doesn't provide more dollars for public education. It doesn't put back lost programs. It doesn't decrease class sizes. It doesn't even improve student learning.

Measure 95 does not promote critical thinking or a well-rounded curriculum that prepares students for the new century. **Measure 95 simply forces teachers to prepare students for more standardized tests.** Standardized tests measure only a small portion of the successes teachers see each day in the classroom.

In my teaching career I've taught thousands of students. No two are alike. Each is a unique individual who learns at his or her own rate. Each needs some individualized attention. **Measure 95 says student progress must be identical for a teacher to be successful. That is unfair and unrealistic.**

**Measure 95 works against what teachers do best – teaching! Please join me in voting no on Measure 95.**

Sincerely,

Nicki Hudson  
 Oregon Teacher of the Year, 1998

*(This information furnished by Nicki Hudson.)*

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# Measure No. 95 Arguments

## ARGUMENT IN OPPOSITION

### The Oregon State Council of Senior Citizens Urges You To Oppose Constitutional Amendment 95

Don't fall for Measure 95. The proponents would like you to believe that they want to reward good teachers and get rid of inadequate teachers. We've studied the issue and want to tell you the truth about Measure 95.

**They Say:** "Measure 95 will help schools get rid of bad teachers."

**The Truth:** Nobody wants to see a bad teacher in our classrooms, least of all other teachers. The Oregon Legislature has ended teacher tenure and poor performing teachers are shipped out if they don't shape up. Measure 95 contains nothing that will weed out bad teachers.

**They Say:** "Measure 95 will make our schools more efficient, like a business."

**The Truth:** Measure 95 will add another level of bureaucracy to our public school system. The non-partisan budget analysis by the Department of Administrative Services concludes that Measure 95 will cost taxpayers \$47 million dollars to implement and \$22 million dollars a year. Think of how many teachers our schools could hire or how many new books or computers we could buy with that money!

**They Say:** "Measure 95 will help us more accurately measure student performance."

**The Truth:** Measure 95 sets up a system where standardized test scores are the only way to measure the performance of a student. Measure 95 does not take into consideration any external factors that impact our students. Students don't all have the same skills and abilities—some have special needs which can impact their progress. Still others live in poverty, come to school hungry, or come from troubled families, which can affect their progress. Measure 95 draws attention away from these kids who need special help and reduces their value to a score on a standardized test.

**Don't deal another blow to our public schools.**

**The Oregon State Council of Senior Citizens urges a "NO" vote on this amendment to Oregon's Constitution.**

*(This information furnished by James A. Davis, Oregon State Council of Senior Citizens.)*

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## ARGUMENT IN OPPOSITION

### Oregon's Business and Marketing Teachers Urge Oregonians to Reject the Red-Tape of Measure 95

We help to prepare thousands of students for careers in the business world. One of the principles we teach our students is the less red-tape and bureaucracy, the more successful the business will be. **Measure 95 takes away the ability of parents and local school boards to determine what is best for our schools and replaces it with a costly state bureaucracy.**

- Measure 95 takes away millions of dollars that are desperately needed in our classrooms. At a time when Oregon's schools need more funding, that doesn't make good business sense.
- Measure 95 establishes a statewide system of teacher pay that takes away the decision-making ability of locally elected school boards and gives it to a new state bureaucracy. Schools don't need more rules and regulations.
- Measure 95 is an experiment with unknown results. It can't be tested, changed and improved—it is an Amendment to our Constitution that makes our children guinea pigs for unproven ideas. That's no way to run a school or a business.
- The Oregon Constitution is not the place to etch in stone how our teachers should be paid. We don't need more state mandates and bureaucracy. We should be able to decide locally how to run our schools and pay our teachers. Bureaucracy is bad for public schools and business.

**Don't tie the hands of our teachers and students**

**Don't add another layer of bureaucracy to our public schools**

**Vote "NO" on Measure 95**

**Dan Thompson, President  
Oregon Marketing Educators Association**

*(This information furnished by Dan Thompson, President, Oregon Marketing Educators Association.)*

*(This space purchased for \$500 in accordance with ORS 251.255.)*

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# Measure No. 95 Arguments

## ARGUMENT IN OPPOSITION

Dear Oregon Voter:

**I ask you to oppose Measure 95—an unfair and unnecessary measure that threatens our public school system.** Measure 95 amends Oregon's Constitution and requires public school teachers, community college professors and instructors, and college and university professors to be paid based on student "academic performance." This destroys Oregon's current system of hiring and evaluating the best teachers for our students. It eliminates criteria like experience and educational background.

The language of the measure is vague and does not give clear direction as to how teachers will be evaluated for compensation or how students will be measured for "academic performance." Measure 95 forces Oregon to rely on a system that bases teacher pay on the performance of students on standardized tests. But it doesn't say which tests or give any description on how to create and implement a teacher evaluation system. Further, the measure gives no indication how progress will be measured in special education, physical education or other electives.

Not every child learns at the same pace. This measure would encourage teachers to avoid the most challenging classrooms at a time when we need to ensure high expectations for all students.

- Measure 95 does not address the real problems in our schools such as a lack of parental involvement, lack of adequate funding, overcrowded classes and violence on school campuses.
- Measure 95 does not give school districts a choice in the teachers they want to keep. It reduces local control and creates more bureaucracy.
- Measure 95 does not create more ways for teachers to give more individual attention to students who need it. Instead, it requires them to spend their time filling out needless paperwork that has nothing to do with learning.

**I urge all of my fellow Oregonians who want the best public schools to join me in voting No on Measure 95.**

Sincerely,

Governor John A. Kitzhaber, M.D.

*(This information furnished by John A. Kitzhaber, M.D., Governor of Oregon.)*

*(This space purchased for \$500 in accordance with ORS 251.255.)*

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## ARGUMENT IN OPPOSITION

**The Oregon Alliance of Children's Programs Urges You To Protect Oregon's Children by Voting No on Measure 95**

The Oregon Alliance of Children's Programs is committed to the well-being of Oregon's children, youth and families. We are committed to the enhancement of the children of Oregon and our members by striving to provide quality programs and services. We touch the lives of over 58,000 children and families annually with the help of committed staff and community volunteers. **The Oregon Alliance of Children's Programs opposes Measure 95 because it is unnecessary and unfair!**

We believe that every child is an individual and that every child counts. Measure 95 would force teachers to give less attention to students with special needs--which means that some will be left behind. **THAT IS UNFAIR. THAT IS UNNECESSARY.**

- **Measure 95 is an unfair scheme.**

Measure 95 sends a message to teachers that their pay is based on the progress of the entire class, not the progress of individual students. No one wants a system where one child may be sacrificed because they didn't catch on as quickly.

- **Measure 95 says that the only kind of progress worth rewarding is the kind that can be measured on a standardized test.**

Different students learn things at different times and in different ways. If teachers are forced to leave one student behind to focus on the rest of the class, we are failing all students.

- **Measure 95 will leave our at-risk and special needs students behind.**

At a time when our students need more individualized attention, Measure 95 creates more bureaucracy, more tests and more paperwork for our teachers to fill out. Teachers will have less time to give one-on-one attention.

**Measure 95 will hurt, not help, the neediest children in Oregon. We urge you to vote "NO" and protect the most vulnerable children in our schools.**

Janet Arenz, President  
Oregon Alliance of Children's Programs

*(This information furnished by Janet Arenz, President, Oregon Alliance of Children's Programs.)*

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# Measure No. 95 Arguments

## ARGUMENT IN OPPOSITION

**Oregon's Public School Leaders  
Urge a "NO" Vote on Measure 95**

**Measure 95 is unrealistic and unfair**

Public school teachers, administrators and parents are working together to ensure that our children are ready to face the challenges of the 21st Century. That's why we oppose Measure 95.

**Measure 95 does nothing to address the real problems facing our schools. It is a solution in search of a problem.**

- **Measure 95 takes away local control from parents, teachers, principals and our communities.**
- **Measure 95 does not address the funding crisis our schools face. Instead, it will create a new state bureaucracy that will cost \$47 million dollars to implement and \$22 million dollars per year to run.**
- **Measure 95 does nothing to ensure more parental involvement and greater accountability from students for their own actions.**
- **Measure 95 does nothing to help schools get rid of inadequate teachers.**

Parents, teachers and principals know that the most important part of the education process is the ability to spend time, one-on-one, with individual students. Measure 95 will prevent teachers from doing what they do best—TEACHING. Under Measure 95, teachers will spend more time filling out unnecessary paperwork and less time giving individualized attention to students.

Don't let the proponents of Measure 95 fool you. It does nothing to ensure that only quality teachers are in our schools. Oregon law ended teacher tenure and our schools have the tools to get rid of bad teachers.

Students don't need more tests, more red-tape and more bureaucracy. It's not good for students and it's no way to run an efficient school. Measure 95 will introduce politics into our classrooms. And that's the last thing our students need.

**Measure 95 is a solution in search of a problem**

**We urge you to vote "NO" on Measure 95**

**Kelly Hood, President  
Confederation of Oregon School Administrators**

*(This information furnished by Kelly Hood, President, Confederation of Oregon School Administrators.)*

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## ARGUMENT IN OPPOSITION

Fellow Oregonian:

As Superintendent of Public Instruction, I strive every day to make sure that all students in Oregon's public schools have an equal chance to learn the academic and life lessons that enrich our young people and improve the quality of life for all our citizens.

We are lucky here in Oregon--lucky to have good, quality teachers and dedicated students who want to learn. I am proud of our public school system and the educational opportunities that are afforded to Oregon's children. That's why I am opposed to Measure 95.

There are some things that we can all agree upon. Oregonians place great value in the education of our children in public schools. But Measure 95 fails to live up to the promises and obligations we must meet to educate our children.

**Measure 95 will not make our schools more efficient.** Education is about much more than just test scores and grade-point averages. Measure 95 sends the wrong message to students and teachers that each individual student's skills are not valued.

**Measure 95 will not help schools get rid of bad teachers.** No one is Oregon is more concerned with making sure that our public schools have the most talented and qualified teachers educating our students. Measure 95 will do nothing to make sure that only the best teachers are instructing our students.

**Measure 95 dismisses the value of experienced teachers, training and education.** It does nothing to improve the quality of public education in Oregon. In fact, it will hurt our students, hurt our teachers and hurt our schools.

I urge all Oregonians to reject this unnecessary and unfair Amendment to Oregon's Constitution.

Sincerely

**Stan Bunn  
Superintendent of Public Instruction**

*(This information furnished by Stan Bunn, Superintendent of Public Instruction.)*

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# Measure No. 95 Arguments

## ARGUMENT IN OPPOSITION

### The Oregon Consumer League Opposes Measure 95 for five reasons:

#### Measure 95 is unnecessary

School districts already have the power to terminate poor teachers. Measure 95 does nothing to improve schools.

#### Measure 95 is wasteful

Measure 95 adds a new level of bureaucracy, costing \$47 million dollars to implement and then \$22 million dollars a year. That money belongs in the classroom, not creating more bureaucracy.

#### Measure 95 is unrealistic

Standardized tests aren't the answer. Children need to do more than memorize facts—they also need to learn to cooperate with others and to think clearly—skills not measured on tests alone.

#### Measure 95 sidetracks Oregonians from the real issues our schools face

Schools need real solutions, not attempts at a quick fix that cost millions of dollars. Oregon's schools need solutions to the school funding crisis, smaller classes and more teachers--not Measure 95.

#### Measure 95 takes away local control

The Constitution is not the place to tell communities how to pay teachers, or which teachers to hire or fire. Let our locally elected school boards do their job.

#### Vote "No" on this proposed amendment to Oregon's Constitution.

Jason Reynolds, Oregon Consumer League

*(This information furnished by Jason Reynolds, Executive Director, Oregon Consumer League.)*

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## ARGUMENT IN OPPOSITION

### University Women Say Don't Listen to the Empty Promises of Measure 95

The sponsors of Measure 95 would like us to believe that they have all the answers to the problems our public schools face. They say that if we pay our teachers and professors according to how well their students do on standardized tests, all of the problems will be solved. Oregonians are too smart to fall for this.

We all know about the problems that our schools face. Oregon has a school funding crisis. Parents need to get involved with their children's schools. We have to reduce class size; teachers can't be expected to teach and be in control when they have 35 or 40 students in a class. Our kids need to learn to have respect for their peers and realize that violence isn't the way to solve problems.

#### What does Measure 95 do about these very real problems that our schools face? NOTHING!

It makes no sense to say that the solution to the problems in our schools is performance pay. Even the best teachers can't control how quickly each student progresses. If every child learned at the same pace, all the students in a class would get the same scores on tests.

Measure 95 is nothing more than empty promises. It is undefined and dangerously vague. WHO is going to be evaluating our teachers and students? HOW will academic performance and progress be measured? Standardized test scores are not the best way to judge our students and teachers.

Don't vote for an unnecessary ballot measure that doesn't do anything for our public schools.

#### Vote "No" on Measure 95. Send a message that Oregonians can't be tricked into doing things that harm our schools.

Kappy Eaton  
American Association of University Women of Oregon

*(This information furnished by Kappy Eaton, American Association of University Women—Oregon.)*

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# Measure No. 95 Arguments

## ARGUMENT IN OPPOSITION

**The Oregon Education Association  
Asks You To Vote No On Measure 95  
Because Every Child In Oregon Counts!**

**Measure 95 is unrealistic and unfair.** In a perfect world, student achievement would be easy to measure. All parents would be involved. Each student would come to school ready to learn. The reality, however, is that students don't learn in exactly the same way, at exactly the same pace. Every child in Oregon is unique and in Oregon's classrooms teachers work hard to meet the different learning rate of each child. Even the best teacher can't control how quickly a student progresses – some have special needs or live in troubled families. Measure 95 ignores these facts and creates an unrealistic picture of teacher salaries and student measurement.

**Vote No on 95**

**Measure 95 is undefined and unnecessary.** It creates a statewide bureaucracy for teacher pay based on some yet-to-be defined standardized test. It removes decision-making by local school boards on how each of their teachers should be paid and will cost millions of dollars to implement. These are dollars better spent on the real problems of Oregon's public schools.

**Vote No on 95**

**Measure 95 does not address the real problems facing Oregon's schools.** It does nothing to provide adequate and stable school funding. It does not reduce class sizes. It does not increase parental involvement. It doesn't restore lost programs or supply updated textbooks. It doesn't even assure that only quality teachers are in our schools.

**Vote No on 95**

Please join thousands of Oregon public school teachers and me.  
**Vote NO on Ballot Measure 95.**

James K. Sager, President  
Oregon Education Association

*(This information furnished by James K. Sager, President, Oregon Education Association.)*

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## ARGUMENT IN OPPOSITION

**Professors and Faculty at all of Oregon' Public  
Colleges and Universities Say Measure 95 is Dangerous**

Oregon's public colleges and universities have educated thousands of Oregonians and prepared them for careers in everything from agriculture to zoology. Oregon's public colleges and universities are recognized around the world for the quality education they provide for so many Oregonians. **Measure 95 puts our institutions of higher learning in great jeopardy!**

Oregon's schools face competition from universities all over the United States and the world. We must fight to keep Oregon's best and brightest students. Our schools must work hard to attract the best minds in the world to educate our students. If Measure 95 passes, Oregon's schools will be at a distinct disadvantage.

**Measure 95 sends a message to our students that they are worth only as much as their score on a standardized test.** Worst of all, Measure 95 requires that we spend millions of dollars creating more tests for our students, instead of investing those valuable dollars in our higher education system.

Every Oregonian should be able to go to college. **Measure 95 takes dollars that could be used for scholarships and grants for deserving students and instead adds a new layer of bureaucracy for our students and professors to wade through.**

Teachers will be filling out forms when we could be giving our students help in the laboratory. We will be telling our students about yet another test when we could be preparing them for the business world.

**Measure 95 is a bad deal for Oregon's colleges and universities.** Our students deserve to have the best educational opportunities right here at home. Oregon cannot afford to lose our best and brightest students.

**Support our state colleges and universities.**

**Vote "No" on Measure 95**

Greg Monahan, President  
Association of Oregon Faculties.

*(This information furnished by Greg Monahan, President, Association of Oregon Faculties.)*

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# Measure No. 95 Arguments

## ARGUMENT IN OPPOSITION

### OREGON'S SCHOOL BOARDS SAY SUPPORT PUBLIC EDUCATION--VOTE NO ON MEASURE 95!

#### MEASURE 95 IS UNREALISTIC!

Measure 95 is unrealistic. It is a bad solution in search of a nonexistent problem. Improving student achievement is the major goal of all Oregon public schools. Skilled, competent and effective teachers are essential, and so is active parental involvement, reasonable class sizes, safe school environments and quality instructional materials. Measure 95 does nothing to provide these resources. Measure 95 will cost \$47 million dollars to implement and \$22 million dollars a year after that!

Measure 95 does nothing to improve schools and student achievement! Our public schools can't afford Measure 95!

#### MEASURE 95 IS UNFAIR!

Measure 95 is unfair to students with disabilities, students with limited English-speaking capacity, and students who are at the greatest risk of dropping out of school. These students need the most help from our best teachers. But Measure 95 will make teachers compete for the best and brightest students in their classrooms.

Measure 95 leaves our neediest students behind!

#### MEASURE 95 IS UNNECESSARY!

Measure 95 is unnecessary! Teacher performance is already evaluated and determined by local school boards. The Oregon Legislature ended teacher tenure and Oregon law requires continuing educational development and training for teachers. Measure 95 will create a new and expensive state bureaucracy that replaces local community control over teacher quality and performance issues.

Measure 95 is too expensive and unnecessary!

#### PLEASE VOTE NO ON MEASURE 95!

**Cliff Kuhlman, President  
Oregon School Boards Association**

*(This information furnished by Cliff Kuhlman, President, Oregon School Boards Association.)*

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## ARGUMENT IN OPPOSITION

### Working Families Agree this Amendment to our Constitution is Dangerous

Oregon's working families enjoy a quality public education system and the right to bargain collectively with their employers. Our public schools and collective bargaining rights are put in harm's way by Measure 95. Measure 95 is a constitutional amendment that would require that public school teachers be paid based on a system that ignores the progress of an individual student and only rewards standardized test scores.

#### Measure 95 attacks the right of public employees to bargain collectively

• Measure 95 amends Oregon's Constitution to limit the rights of an entire class of employees, public school teachers, from exercising their right to bargain collectively with local school districts. It mandates that teachers be paid based on the "academic performance" of students. No other factors, such as experience, education and overall job performance, can be taken into consideration when negotiating contracts. It ties the hands of our teachers and our school districts. There is no room to negotiate.

#### Measure 95 costs public schools millions of dollars and weakens public education

• Measure 95 will cost millions of dollars to implement, directing scare school funds away from the classroom. We can't expect our children to learn if there are too many kids in a classroom. Measure 95 won't do anything but give more tests to our kids. That's not what public education in Oregon needs.

**Measure 95 is bad for schools, working families and the children of Oregon.**

#### Please join us in voting "NO" on 95:

- American Federation of Teachers
- AFCSME
- Jobs With Justice
- Laborers Local 483
- Northwest Oregon Labor Council
- Oregon AFL-CIO
- Oregon Education Association
- OPEU
- Oregon State Building and Construction Trades
- Oregon State Firefighters Council
- SEIU, Local 503
- SEIU, Oregon State Council

*(This information furnished by Morgan Allen, Oregonians Against Unfair Schemes for Our Schools.)*

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# Measure No. 95 Arguments

## ARGUMENT IN OPPOSITION

**An Oregon Teacher  
Urges You to Vote No on 95**

**It Hurts Students  
It Doesn't Belong In Oregon's Constitution**

**Measure 95 rewards the best and brightest students and hurts others.** Under Measure 95, teacher salaries will be based upon standardized student test scores. I teach special education high school students. How will a statewide, standardized test measure my students? This hurtful measure sends the message to teachers and students that the only kind of progress worth measuring is the kind that can be measured on a standardized test. Every day in my classroom I see progress. But, most of it can't be measured by a single test written by someone who doesn't know my students or me.

**Measure 95 does not belong in Oregon's Constitution.** Oregon's Constitution is no place for an unrealistic and unfair ballot measure. Neither should it be the place where teacher salaries are determined! Local school boards and administrators should be the decision-makers over local issues. What works in Portland may not work in Albany. What works in Eugene is not always right for Medford.

**Please Vote No on Measure 95.  
It Hurts Students. It Hurts Teachers.  
It Doesn't Belong in Oregon's Constitution.**

Sincerely,

Judy Smith, Oregon teacher

*(This information furnished by Judy Smith.)*

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## ARGUMENT IN OPPOSITION

**State Treasurer Jim Hill Urges a "No" Vote on  
Ballot Measure 95  
Calls it "Fiscally Irresponsible"**

As Oregon's Treasurer, our state's chief financial officer, it is my job to oversee the sound investment and wise spending of your tax dollars. Making sure that Oregon has good public schools has also been a top priority for me during my career in public service. **Measure 95 is fiscally irresponsible and will do nothing to improve the quality of our public schools.**

Oregon's public schools are experiencing a funding crisis. Classes are too large and teachers are using outdated books to educate our students. We need to make sure that every available public dollar is being put to good use so that our students can be competitive in an increasingly global economy. **Measure 95 takes desperately needed dollars out of the classroom and instead spends millions of dollars to increase state bureaucracy.**

Measure 95 will cost \$47 million dollars to implement and \$22 million dollars each year thereafter. And what is this money used for? New textbooks? Smaller class sizes? More teachers? NO! The money is used to create and implement a new system of standardized testing for our public schools. **Measure 95 is not sound financial management of state resources!**

**Measure 95 does not address the real needs of our students or schools.** Oregon needs real solutions that increase funding for our schools, involve parents, and decrease class size. We don't need schemes that threaten the progress of students.

Oregon's students, teachers and public schools are Oregon's greatest natural resource. Our students deserve better than some multi-million dollar scheme that does nothing to improve the quality of our education system. **That's why I am opposing Measure 95.**

Let's give Oregon's children a strong start in life by providing them a quality public education. Protect our students, protect our teachers and protect public schools. **Please join me in voting "no" on Measure 95.**

**Jim Hill  
Oregon State Treasurer**

*(This information furnished by Jim Hill, Oregon State Treasurer.)*

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# Measure No. 95 Arguments

## ARGUMENT IN OPPOSITION

**Oregon's Head Start Teachers ask you to stand up for Oregon's Children by Voting "NO" on Measure 95**

**Measure 95 will do nothing to help the children of Oregon.** We all know what our young children need to ensure that they are prepared for their first day of school. Kids need someone to encourage them to read and to show them the joys and opportunities that learning can mean for them. But most of all, our youngest children need extra, one-on-one attention to give them an extra boost that can mean all the difference in their schooling. Measure 95 will disrupt our efforts to help those young children make their critical first steps in the education process. And that's why we're asking you to vote no on Measure 95.

**Measure 95 is an unrealistic way to measure our students.** Every day we work with young children who may not have had breakfast, who live in poverty or come from challenged families. These students need teachers who can spend extra time helping them through a reading lesson or with a math problem. Measure 95 wastes teaching time. Measure 95 will force teachers to spend valuable time filling out more forms or preparing young children for a battery of intimidating standardized tests. We should not be measuring 5 and 6 year olds by how well they do on a state test.

**Measure 95 is unfair to our students.** Every child in Oregon deserves the best possible start to their education. They deserve to be in classrooms where teachers can give them all the extra help and attention they need. Even the best teachers need to have the freedom to spend time with the students who need it the most. Measure 95 takes flexibility away from our teachers and ultimately harms our most vulnerable students.

**Protect the educational opportunities for all our children.**

**Vote "No" on Measure 95**

**Annie Soto  
Oregon Head Start Association**

*(This information furnished by Annie Soto, Oregon Head Start Association.)*

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## ARGUMENT IN OPPOSITION

**Human Services Coalition of Oregon Opposes Ballot Measure 95**

The Human Services Coalition of Oregon works with public, private and non-profit groups to ensure that the basic needs of all Oregonians are met. We know that education is the key to ending the cycle of poverty in our state. Measure 95 does not strengthen public schools or make our communities stronger.

**Measure 95 is Unnecessary**

Measure 95 is not what our public schools need. There is a school-funding crisis in Oregon. Parents and communities need to get more involved with public schools and kids. Our students need smaller classes so teachers don't have too many students in a room. The issue of school violence is very real and needs to be addressed. Measure 95 does not do anything to solve these very real problems that our schools face.

**Measure 95 is Unfair**

Measure 95 is unfair to all of the hard-working students and dedicated teachers in our public schools. Even the best teacher cannot control how quickly their students' progress. Each child is an individual with their own special skills and needs. Measure 95 creates a one-size-fits all system of student and teacher measurement that does not fairly judge the performance of our schools.

**Measure 95 is Undefined**

Measure 95 says it will set up a system to measure the performance of students and teachers. But, Measure 95 is undefined and dangerously vague. It does not define how student progress will be measured or who will be scrutinizing and evaluating our teachers. Without a system in place, how can we be sure that our teachers and students will be fairly treated?

Measure 95 creates more bureaucracy and barriers and does nothing to help our schools

**Support our Public Schools, Teachers and Students**

**Please Join the Human Services Coalition of Oregon and Vote "No" on Measure 95**

**Gina Mattioda, Co-Chair  
Human Services Coalition of Oregon**

*(This information furnished by Gina Mattioda, Co-Chair, Human Services Coalition of Oregon, (HSCO).)*

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# Measure No. 95 Arguments

## ARGUMENT IN OPPOSITION

### Protect Oregon's Community Colleges By Voting "NO" on Measure 95

We can all be proud of our seventeen regional community colleges and the educational opportunities they create for Oregonians. **Measure 95 would create an expensive bureaucracy that would weaken Oregon's Community College system.**

**Measure 95 wastes tax dollars that could be spent improving our Community Colleges and keeping tuition affordable.** With tens of thousands of students currently enrolled, Oregon's Community Colleges must keep costs low and run as efficiently as possible. Measure 95 requires Community Colleges to create and implement a whole new series of standardized tests for students. We should be focusing on education and not on more paperwork. Oregon should not be spending \$22 million dollars a year to give more tests to our students.

**Measure 95 is unnecessary and unfair to Oregon's Community Colleges.** Oregonians can be proud of our Community College system. Oregon enjoys better-educated citizens and better-trained workers because of Community Colleges. Young people who may not be able to afford college otherwise are given an equal opportunity because of our Community College system. Measure 95 changes all of that. It takes our community college network that pays dividends for business and communities and ties it up with more paperwork and more bureaucracy.

**Measure 95 unnecessarily changes Oregon's Constitution and makes it much harder for our Community Colleges to provide quality, affordable educational opportunities to every citizen.** Community Colleges work for Oregon. Don't upset the balance we enjoy between educational quality and affordability. Protect Oregon's Community Colleges and the people who depend on them.

Vote "No" on Measure 95

Robert Ackerman, Board Chair  
Lane Community College

*(This information furnished by Robert Ackerman, Board Chair, Lane Community College.)*

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## ARGUMENT IN OPPOSITION

### Oregon's Seniors Speak Out Against Measure 95

We've been through public schools. Our children have been through public schools. And our grandchildren are in public schools right now. **If you care about public education, we urge you to oppose Ballot Measure 95.**

Oregon's schools are one of our most important public institutions. Schools are the cornerstones of our communities. They are a place where all children have a chance to learn and grow equally.

**But Measure 95 would take a wrecking ball to public schools in Oregon.**

Measure 95 says that our parents, teachers and locally elected school boards are not the best people to make decisions about the schools our children attend. Instead, it amends Oregon's Constitution and says that teachers have to be paid based on the performance of their students on standardized tests.

That's just not fair! There are so many reasons why a student may or may not do well in a certain subject. Does the student come to school hungry? Does the child take responsibility for doing their homework? Is there anyone at home who helps the child with his or her reading lesson or math problems?

Student achievement and "academic performance" is part of a larger equation that includes student motivation, parental involvement and quality teachers. **Measure 95 has nothing to do with any of these things.**

Oregon is fortunate to have some of the best students and teachers in the nation. Let's not make it any harder for them than it already is. **Show your support for our public schools and vote "No" on Measure 95.**

Signed,

Elders in Action  
Gray Panthers  
United Seniors of Oregon

*(This information furnished by Charles Kurtz, Vice-Chair, Elders in Action.)*

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# Measure No. 95 Arguments

## ARGUMENT IN OPPOSITION

**Measure 95: It's Unfair, Unnecessary and Undefined**

Measure 95 hurts our public schools, hurts our teachers  
and hurts our kids.

**Join these Organizations and Individuals in Opposing Ballot  
Measure 95**

- American Association of University Women-Oregon Chapter
- American Federation of Teachers-Oregon
- Association of Oregon Faculties
- Brain Injury Support Group of Portland
- Confederation of Oregon School Administrators
- Ecumenical Ministries of Oregon
- Elders in Action
- Governor John Kitzhaber
- Gray Panthers
- Human Services Coalition of Oregon
- Jobs with Justice
- Laborers Local 483
- Multnomah County Commission Chair, Bev Stein
- Northwest Oregon Labor Council
- Oregon AFSCME
- Oregon AFL-CIO
- Oregon Alliance of Children's Programs
- Oregon Consumer League
- Oregon Education Association
- Oregon Head Start Association
- Oregon Marketing Educators Association
- Oregon Music Educators Association
- Oregon Nurses Association
- Oregon Public Employees Union
- Oregon PTA
- Oregon School Boards Association
- Oregon School Employees Association
- Oregon Science Teachers Association
- Oregon State Building and Construction Trades
- Oregon State Council of Senior Citizens
- Oregon State Firefighters Council
- Rural Organizing Project
- Salem-Keizer School Board
- SEIU Local 503
- SEIU, Oregon State Council
- State Treasurer Jim Hill
- Superintendent of Public Instruction Stan Bunn
- United Seniors of Oregon
- Women's Rights Coalition

**Vote NO on Measure 95**

*(This information furnished by Morgan Allen, Oregonians Against Unfair Schemes for Our Schools.)*

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# Measure No. 96

Proposed by initiative petition to be voted on at the General Election, November 7, 2000.

## EXPLANATORY STATEMENT

### BALLOT TITLE

**96 AMENDS CONSTITUTION; PROHIBITS MAKING INITIATIVE PROCESS HARDER, EXCEPT THROUGH INITIATIVE; APPLIES RETROACTIVELY**

**RESULT OF "YES" VOTE:** "Yes" vote prohibits making initiative, referendum process more expensive, difficult except through initiative; applies retroactively.

**RESULT OF "NO" VOTE:** "No" vote retains legislature's authority to pass laws, make referrals making initiative, referendum process harder.

**SUMMARY:** Amends constitution. Legislature now has authority to pass laws, refer to voters statutes, constitutional amendments altering initiative, referendum process. Measure prohibits laws or referrals from legislature increasing expense or difficulty of initiative, referendum process, by: increasing required number of signatures; requiring geographical distribution of signatures; constraining people from amending constitution on any subject; or otherwise. Repeals any such laws or constitutional amendments enacted within two years before measure's effective date. Effect is to prohibit increasing expense, difficulty of initiative or referendum process except through initiative.

**ESTIMATE OF FINANCIAL IMPACT:** There is no financial effect on state or local government expenditures or revenues.

Ballot Measure 96 would prohibit the Oregon Legislative Assembly from referring any constitutional amendment to the voters that increases the number of signatures required to place a measure on the ballot, requires a geographical distribution of signatures, or constrains the use of the initiative process to amend the Oregon Constitution on any subject. Ballot Measure 96 would also prohibit the Oregon Legislative Assembly from referring any constitutional amendment or statute, or adopting any law, that makes it materially more difficult or more expensive for the people to use the initiative and referendum process.

The Oregon Constitution currently allows the Oregon Legislative Assembly to adopt laws affecting the initiative and referendum process, so long as they are consistent with the Oregon Constitution, and to refer constitutional amendments to the people that modify the initiative and referendum process. As described above, Ballot Measure 96 would limit this legislative power.

The Measure would repeal any law or constitutional amendment that would violate the measure's provisions and that was enacted within two years before the measure's effective date of December 6, 2000. No constitutional amendment has been enacted since December 6, 1998 that would be affected by this measure.

**Committee Members:**

Becky Miller  
Bill Sizemore  
Les Swanson  
Jim Westwood  
Maury Holland

**Appointed by:**

Chief Petitioners  
Chief Petitioners  
Secretary of State  
Secretary of State  
Members of the Committee

*(This committee was appointed to provide an impartial explanation of the ballot measure pursuant to ORS 251.215.)*

### TEXT OF MEASURE

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OREGON:

The Constitution of the State of Oregon is amended by adding the following section:

Section 1. (a) Whereas the initiative and referendum process belongs to the People of Oregon, and was created by the people to curb the power of elected officials; and whereas the initiative and referendum process is a perpetual threat to the power of elected officials; in order to protect and preserve the people's right to self-government; the state legislative assembly shall not adopt a law, or refer to the voters an amendment, which increases the number of signatures necessary to place a measure on the ballot; requires a geographical distribution of signatures, constrains the people from amending this Constitution regarding any subject whatever, or otherwise makes it materially more difficult or more expensive for the People to exercise their right to use the initiative and referendum process.

(b) If, in the two years previous to the effective date of this 2000 Amendment, the state legislative assembly has adopted a law or referred to the voters an amendment that violates this section, the law or amendment is hereby repealed.

96

# Measure No. 96 Arguments

## ARGUMENT IN FAVOR

### Who is Afraid of Democratic Initiative?

Oregon voters have a more direct democracy through almost a hundred years of initiatives and referendums. Evolution of the initiative and referendum process compensates for the absence of a parliamentary system. The initiative process allows political factions, who might otherwise be represented in a Parliament, to have a crack at proposing legislation.

Who is afraid of the initiative process? All the big powers such as the (1) Governor (each year he has to show himself and caution voters on some ballot measure), (2) State legislators (they have to contend with the voter's power of referendum), (3) corporations (each year the **TOXIC RIGHT TO KNOW** becomes closer to becoming a human right), and (4) Public Employees Union (involuntary contributions).

An assault on the initiative process is different than a reform. Reforms for the initiative process might include:

- (1) Disallowing foreign corporations from making contributions
- (2) Giving legislative counsel and review for initiative proposals
- (3) Disallowing reruns on the following general election
- (4) Qualifying initiatives as ballot measures earlier for voter review
- (5) Voiding results if under thirty percent of active voters participate
- (6) Shortening time for appeal of initiative title to three months
- (7) Offering a \$25 state income tax deduction for active voters
- (8) **FUNDING LAW SCHOOL CHANNELS ON CABLE TELEVISION WITH SUPPORTING INTERNET DOCUMENTATION TO EDUCATE VOTERS AS LAWMAKERS!**

I will vote against Bill Sizemore's other measures. They act against the greater good of Oregon and benefit those who earn the most. However, Measure #96 merits consideration. The initiative process is an evolution in democracy and can be perfected by legislators who refer proactive reform measures to voters.

The initiative and referendum process, along with the legislature, and the Courts, is part of a constitutional equation for balancing power between legislators, juries, judges and voters in Oregon. Governors, legislatures, corporations, unions, oligarchic elitists, and Washington D.C., all tremble before the voter's power of initiative and referendum in Oregon.

*(This information furnished by Toby Grant.)*

*(This space purchased for \$500 in accordance with ORS 251.255.)*

The printing of this argument does not constitute an endorsement by the State of Oregon, nor does the state warrant the accuracy or truth of any statement made in the argument.

## ARGUMENT IN FAVOR

### ONLY YOU CAN ANSWER THIS QUESTION

**How long do you think the Legislature will continue to try and restrict the initiative process instead of addressing the real issues of concern to the people of Oregon?**

### Vote Yes on 96

Since 1995, the Legislature has sponsored hundreds of bills to make it more difficult to exercise our constitutional right to the initiative and referendum process. In 1996, they brought us Measure 24, proposing to amend the Constitution, requiring an equal amount of the signatures be gathered from each of Oregon's congressional districts before an initiative could be placed on the ballot. In 2000, they brought us Measure 79, seeking to dramatically increase the number of signatures required to put constitutional amendments on the ballot. Both of these measures were defeated by an overwhelming vote of the people..

### It's clear that the Legislature is not getting the message!

The initiative and referendum process is a vital check and balance to a Legislature controlled by vested interests. These same vested interests are behind the Legislature's repeated efforts to restrict the initiative process. Measure 96 puts a stop to this by preventing the Legislature from:

- Increasing the number of signatures to place a measure on the ballot;
- Requiring geographical distribution of signatures;
- Constraining amendments to the Constitution on any subject whatever; or
- Making the initiative or referendum more difficult or expensive to use.

Our government is based on the separations of power in order to prevent it from being concentrated in the hands of the few. The initiative and referendum process will always be in jeopardy as long as the Legislature can restrict it. Measure 96 places any proposed restrictions on the initiative process in the hands of the People, where it belongs. In the end you decide!

### Vote yes on 96

**Coalition for Initiative Rights**  
[www.teleport.com/~dweezil/cir.htm](http://www.teleport.com/~dweezil/cir.htm)

Lloyd Marbet  
 Candidate for Secretary of State  
 (503) 637-3549  
[www.marbet.org](http://www.marbet.org)

*(This information furnished by Lloyd Marbet, Coalition For Initiative Rights.)*

*(This space purchased for \$500 in accordance with ORS 251.255.)*

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# Measure No. 96 Arguments

## ARGUMENT IN FAVOR

A yes vote on Measure 96 will stop the politicians from making the initiative process more difficult.

In the last legislative session **over fifty** bills were considered to do just that! Why? Because the politicians don't think we voters are smart enough to make the decisions that affect our lives and those of our children.

These are the same politicians who pass about **nine hundred** new bills every legislative session! And they want to make it more difficult for "we the people" to put a few measures on the ballot every two years?

The initiative process in itself does not create new laws. If the drive to get enough signatures is successful (the great majority are not) it merely places measures on the ballot for "we the voters" to decide.

Opponents claim that making numerous State Constitutional changes through the initiative is inappropriate. We should not confuse the sanctity of our "Federal Constitution," from which all of our rights are granted, with that of our state document, which merely spells out the laws by which Oregonians wish to live.

Some voters have been heard to complain that the ballot becomes too complicated when too many "choices" appear. Freedom is not free! Democracy requires some effort on the part of its citizens. Thousands of men and women have sacrificed and died to protect our right to govern ourselves through the elective process. The least we can do is education ourselves and vote on the issues presented before us.

Government is expanding and becoming more obtrusive in our lives. Do not allow power seeking politicians to weaken the voice of the people by making it more difficult to be heard! In many other countries citizens unhappy with their government resort to revolution. In Oregon we can use our right of the initiative.

Vote yes on Measure 96!

*(This information furnished by Frank Eisenzimmer, Chief Petitioner, Committee to Preserve Self-Government.)*

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## ARGUMENT IN FAVOR

### **INITIATIVE PROCESS IS UNDER ATTACK**

In the last two state legislative sessions, legislators have introduced more than 100 bills designed to make the initiative process more difficult or more expensive. **Seems the state legislature doesn't like the voters having so much say on public policy.**

Legislators have dreamed up scheme after scheme to slow down Oregon's self-government system. They have crafted numerous new rules to sabotage the process. Many legislators are openly hostile to the initiative process.

Consider this: Even though voters turned down a proposal by the legislature to increase the signature requirement for placing measures on the ballot, the Secretary of State succeeded in doing so anyway by creating a huge penalty for every duplicate signature they find when he checks the validity of signatures submitted to his office. For every duplicate signature, they eliminate 400 other signatures.

Many experts agree that this penalty is wildly inaccurate, but Secretary of State Bill Bradbury continues to enthusiastically enforce it anyway. **Bradbury finds one duplication and he wipes out the signatures of 400 other voters who invested their time and effort to consider the issue and sign the petition.**

Even the courts have openly criticized Secretary of State Bradbury's policy of not counting the signatures of registered voters that he has designated "inactive." This year, thousands of registered voters had their signatures nullified by Secretary Bradbury even though they had never been notified that the Secretary of State would not count their signatures.

**Measure 96 simply tells the legislature to leave the initiative process alone.** It tells them to stop trying to make it more difficult for voters to have their say. Stop trying to increase the signature requirement. Stop devising technical ways to discount the signatures of valid registered voters and keep popular initiatives off the ballot.

Oregon's initiative reminds the state legislature that their power is derived from the people. **Right now they need to have that reminder reinforced.** Measure 96 does that.

*(This information furnished by Bill Sizemore, Oregon Taxpayers United.)*

*(This space purchased for \$500 in accordance with ORS 251.255.)*

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# Measure No. 96 Arguments

## ARGUMENT IN OPPOSITION

The nonpartisan Oregon Initiative Committee opposes Ballot Measure 96, and we want to tell you why.

For 90 years the voters of Oregon have been able to amend the constitution either by adopting an amendment referred by the legislature, or by adopting an amendment presented by initiative petition.

Ballot Measure 96 curtails our right to propose constitutional amendments to the legislature for referral to the voters by cleverly by attacking the referendum and lawmaking power of our elected representatives.

Ballot Measure 96 would prohibit the legislature from referring to the voters any proposed constitutional amendment "which increases the number of signatures required to place a measure on the ballot; requires a geographical distribution of signatures, constrains the people from amending this constitution regarding any subject whatever, or otherwise makes it materially more difficult or more expensive for the People to exercise their right to use the initiative and referendum process."

Stripping the legislature of its power to refer such constitutional amendments also strips Oregon voters of the right to consider them. Ballot Measure 96 would compel voters to pursue such measures exclusively through expensive initiative petition campaigns.

Ballot Measure 96 also bars the legislature from adopting any law on any subject which "otherwise makes it materially more difficult or more expensive" to exercise the initiative and referendum process. Again voters would be compelled to pursue such changes solely by undertaking expensive initiative petition campaigns.

Ballot Measure 96 is intended to keep such constitutional amendments from reaching the voters by referendum. It is for you, the voters, to decide whether the public interest justifies increased difficulty or expense to the initiative industry and to those persons and interests so busily using it to their advantage.

Vote No on Ballot Measure 96.

*(This information furnished by John C. Beatty, Jr., William W. Wyse; Oregon Initiative Committee.)*

*(This space purchased for \$500 in accordance with ORS 251.255.)*

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## ARGUMENT IN OPPOSITION

**The ACLU of Oregon says  
VOTE NO ON MEASURE 96!**

### Another constitutional amendment

Measure 96 is one of **seventeen** constitutional amendments on the ballot this election. This amendment is unnecessary tinkering with our constitution.

### Proponents of initiatives should play by the same rules as everyone else in the political process.

Measure 96 would prohibit the legislature from passing any laws or referring any constitutional amendments to voters that would make the initiative or referendum process more accountable to voters.

This will put a cloud over any law the Legislature might pass to make the initiative process more accessible or informative for voters because sponsors of initiatives might claim the change makes the initiative process more difficult.

**For example:** Initiative sponsors have a constitutional right to pay petition circulators for signatures. But doesn't the voter have the right to know who is paying for those signatures?

Measure 96 is designed to make it impossible for the legislature to pass laws that require greater disclosure of information regarding the special interests funding an initiative proposal.

Measure 96 will allow special interest groups, who have a financial stake in getting their proposals on the ballot, to keep voters in the dark.

### Measure 96 helps the initiative industry, not voters

Most Oregonians support the initiative process, but think it needs some fine-tuning every now and then. This measure would freeze today's initiative system into place and prevent useful changes, just because they could make the process more challenging for today's initiative "industry."

**Measure 96 is bad for voters.  
Measure 96 is bad for our political process,  
Measure 96 is bad for Oregon.**

**VOTE NO ON MEASURE 96.**

For more information write to the Oregon ACLU  
at PO Box 40585, Portland, OR 97240  
or go to [www.aclu-or.org](http://www.aclu-or.org)

*(This information furnished by David Fidanque, American Civil Liberties Union of Oregon.)*

*(This space purchased for \$500 in accordance with ORS 251.255.)*

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# Measure No. 96 Arguments

## ARGUMENT IN OPPOSITION

### Oregon League of Women Voters Opposes Measure 96.

The League of Women Voters of Oregon is a grass-roots, non-partisan organization which encourages informed and active participation of citizens in government. Since 1920, the League has worked to inform voters, improve our political process and strengthen our democracy.

The League of Women Voters of Oregon opposes Measure 96 because:

**It is wrong to prohibit reforms to the initiative process.** This measure could prohibit the Legislature from even enacting small, but useful reforms to the process, such as increasing campaign finance disclosure requirements for initiative campaigns. There is no guarantee that needed reforms would be brought by the initiative process.

**It is absurd to prevent the Legislature from asking the voters to consider reforms to the initiative process.** This measure doesn't just take away the Legislature's power to pass reforms on its own; it prevents the Legislature from even asking the voters to approve reforms. That's absurd.

**The measure is unnecessary; voters already have the right to approve or disapprove any significant changes to the initiative process.** The Legislature only has the power to make modest reforms to the process. We don't need to take that power away.

**The Constitution should be amended only for good reason.**

**PLEASE JOIN US IN VOTING "NO" ON MEASURE 96.**

*(This information furnished by Paula Krane, President, League of Women Voters of Oregon.)*

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## ARGUMENT IN OPPOSITION

### GOVERNOR JOHN KITZHABER URGES A "NO" VOTE ON MEASURE 96

### IT PROHIBITS EVEN MODEST, RESPONSIBLE REFORMS

Dear Fellow Oregonians:

Measure 96 would amend the Constitution to impose a broad prohibition on reforms to the initiative process. It even prevents the Legislature from asking you, the voters, to approve changes to that process. It is so broadly written that it could even prevent new campaign finance disclosure requirements – or prevent stiffer penalties for fraud or abuse by paid signature-gathering operations.

I am certainly a friend of the initiative process; I am sponsoring an initiative of my own in this election. And as Governor, I have certainly had my share of problems with the Legislature. But the idea that modest reforms to the process should be prohibited, and that the Legislature shouldn't even have the right to ask you to approve reforms, is simply absurd.

In my view, we should always be careful about amending the Constitution. We should not pass any amendment that does not have a strong justification. This proposed amendment is unjustified and ill-advised.

**Please join me in voting "No" on Measure 96.**

*(This information furnished by John A. Kitzhaber, M.D.)*

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# Measure No. 96 Arguments

## ARGUMENT IN OPPOSITION

### Former Governor Barbara Roberts Asks You to Vote “No” On Measure 96

I value the initiative process. Before I was ever a public official, I participated in initiative drives. The initiative is a valuable part of our public life in Oregon.

But during my years as Secretary of State and as Governor – and, in the past six years, as a private citizen again -- the conduct of the initiative process has changed dramatically.

In past years, most initiative efforts were door-to-door citizen efforts by volunteers to place measures on the ballot which had broad popular support. Now, money plays an enormous role. So do new technology and computers. Sophisticated initiative sponsors can use computerized data to seek out and identify those who share their very narrow special interests. Too often, the ballot is used as a battleground for warring interest groups to fight each other over obscure issues. Oregon's initiative process was never meant to be used that way.

As the initiative approaches its 100th birthday, I believe that there is need for occasional reforms to our initiative process. We should have fuller disclosure of where the money comes from. We should make a stronger effort to keep the process honest and citizen-directed.

**I strongly oppose a measure which imposes a sweeping prohibition against reforms to the initiative process – even prohibiting the Legislature from asking you, the voters, to approve reforms yourselves.**

Measure 96 is not necessary to preserve voter control over the initiative process. Under Oregon's Constitution, the Legislature cannot make major changes without consulting the voters; and even if the Legislature made a minor change which we did not like, we could challenge it through the referral process. All this measure would do is act as a permanent roadblock to reasonable reforms.

**I hope you will join me in voting “NO” on Measure 96.**

*(This information furnished by Barbara Roberts.)*

*(This space purchased for \$500 in accordance with ORS 251.255.)*

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## ARGUMENT IN OPPOSITION

### Former Secretary of State Phil Keisling Opposes Measure 96

Fellow Oregonians:

As a former Secretary of State, I am opposed to Measure 96 because it would amend the Constitution to prohibit reasonable reforms to the initiative process. It would even prohibit the Legislature from asking the voters themselves, through referrals, to reform the process.

The initiative process is an important part of our system of government in Oregon. The initiative should be preserved. But that does not mean that there should never be any reforms. Campaign finance disclosure laws should be toughened. Abuses by paid signature-gatherers should be curbed. This measure could prevent even those simple, common-sense reforms to the process.

Under the current Constitution, only the voters can approve significant changes to the initiative process. But the Legislature can make minor changes, such as requiring more frequent and detailed disclosure of campaign contributions. This measure could take that power away from the Legislature – and that's wrong. The Legislature is, after all, elected by the people, accountable to the people, and paid to do some work for us. It is not in anybody's best interest to take away its power to curb abuses of the initiative, and to leave initiative reform up to those who can afford to pay signature-gatherers to put something on the ballot.

**And it is short-sighted and senseless to prohibit the Legislature from even asking the voters themselves, through the referral process, to pass initiative reforms.**

**PLEASE VOTE “NO” ON MEASURE 96.**

**Phil Keisling**

*(This information furnished by Phil Keisling.)*

*(This space purchased for \$500 in accordance with ORS 251.255.)*

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# Measure No. 96 Arguments

## ARGUMENT IN OPPOSITION

### **The Working Men and Women of Organized Labor Oppose Bill Sizemore's Measure 96**

Organized labor recognizes the value of Oregon's initiative process. Four years ago, we went to the ballot to gain an increase in the minimum wage – which Oregonians resoundingly supported.

At the same time, we recognize that there is room for occasional reform in almost any process. The initiative process, for instance, would benefit from improved campaign finance disclosure laws so that all Oregonians know who is really supporting initiatives they are being asked to sign. We need to ensure that the process is open, fair, and available to all Oregonians.

**Measure 96 is an ill-advised effort to block even modest, responsible reforms to the initiative process. It would even prevent the Legislature from asking you the people to approve reforms yourselves. And it amends the Constitution – for no good reason.**

Bill Sizemore, whose business profits from the current initiative process, sponsors this measure to block even reasonable reforms to the system. But Oregonians need the ability to adjust the process to guard against abuses and unforeseen circumstances that might conspire to make it a system serving only the few, rather than the many.

**Please join the working men and women of organized labor in opposing Measure 96.**

This voters pamphlet statement brought to you by  
Oregon AFL-CIO  
American Federation of Teachers - Oregon  
Service Employees International Union, Oregon State Council  
Oregon Public Employees Union, SEIU Local 503

*(This information furnished by Richard H. Schwarz, Executive Director, AFT-Oregon; Arthur Towers, Service Employees International Union, Oregon State Council; Rich Peppers, Oregon Public Employees Union, SEIU Local 503; Tricia Bosak, Oregon Education Association.)*

*(This space purchased for \$500 in accordance with ORS 251.255.)*

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# Measure No. 97

Proposed by initiative petition to be voted on at the General Election, November 7, 2000.

## BALLOT TITLE

### **97 BANS BODY-GRIPPING ANIMAL TRAPS, SOME POISONS; RESTRICTS FUR COMMERCE**

**RESULT OF "YES" VOTE:** "Yes" vote bans: body-gripping traps, commerce in fur from such trapping, certain animal poisons.

**RESULT OF "NO" VOTE:** "No" vote rejects ban on: body-gripping traps, related commerce in fur, certain animal poisons.

**SUMMARY:** Prohibits use of steel-jawed leghold traps and other body-gripping traps to capture mammals. Prohibits sale, purchase, barter, exchange of raw fur from mammal trapped in such traps in Oregon. Allows use of specified types of traps for protection of health and safety, animal control, research, and protection of endangered species if permit obtained from Oregon Fish and Wildlife Department. Prohibits use of sodium fluoroacetate, also known as Compound 1080, or sodium cyanide, to poison or attempt to poison any animal. Penalties for violations.

**ESTIMATE OF FINANCIAL IMPACT:** State expenditures for alternate means of animal control will be \$455,000 per year. Implementation of a permit system will cost the state \$655,000 per year, with an additional start-up cost of \$30,000. Direct revenue to the state will be reduced by \$36,500 per year due to elimination of fur trapping license fees.

The measure has no financial effect on local government expenditures or revenues.

in this subsection shall check the trap at least every 24 hours.

(a) The Director, in consultation with the Oregon Department of Human Services or the U.S. Department of Health and Human Services, may grant a permit to use traps listed in subsection 4 for the purpose of protecting people from threats to their health or safety.

(b) The Director may grant a special permit to use traps listed in subsection 4 to a person who applies for such permit in writing and establishes that there exists on a property an animal problem which has not been and cannot be reasonably abated by the use of non-lethal control tools, including but not limited to guard animals, electric fencing, or box and cage traps, or if such tools cannot be reasonably applied. Upon making a finding in writing that the animal problem has not been and cannot be reasonably abated by non-lethal control tools or if the tools cannot be reasonably applied, the Director may authorize the use, setting, placing or maintenance of such traps for a period not exceeding 30 days.

(c) The Director may also grant a special permit to its employees or agents to use traps listed in subsection 4 where the use of such traps is the only practical means of protecting threatened or endangered species, as listed under the Oregon Endangered Species Act.

(d) The Director may grant a special permit to use traps listed in subsection 4, not including Conibear traps, for the conduct of legitimate wildlife research.

(5) The United States Fish and Wildlife Service, its employees, or agents may use a trap listed in subsection 4 where the Service determines, in consultation with the Director of the Department of Fish and Wildlife, that the use of such traps is necessary to protect species listed as threatened or endangered under the U.S. Endangered Species Act.

(6) Violations of this section, or any rule promulgated pursuant thereto, is a Class A misdemeanor when the offense is committed knowingly as defined in ORS 161.085(8). If the defendant is sentenced to pay a fine, failure to pay the fine or any portion thereof shall be treated as provided in ORS 161.685.

**SECTION 2.** (1) No person shall poison or attempt to poison any animal by using sodium fluoroacetate, also known as Compound 1080, or sodium cyanide.

(2) Violations of this section, or any rule promulgated pursuant thereto, is a Class A misdemeanor when the offense is committed knowingly as defined in ORS 161.085(8). If the defendant is sentenced to pay a fine, failure to pay the fine or any portion thereof shall be treated as provided in ORS 161.685.

**SECTION 3.** (1) \*Animal\* means any non-human vertebrate.

(2) \*Body-gripping trap\* means a trap that grips an animal's body or body part. \*Body-gripping trap\* includes but is not limited to steel-jawed leghold traps, padded-jaw leghold traps, Conibear traps, neck snares, non-strangling foot snares. Cage and box traps, suitcase-type live beaver traps, and common rat and mouse traps shall not be considered body-gripping traps.

(3) \*Person\* means a human being and, where appropriate, a public or private corporation, an unincorporated association, a partnership, a government or a governmental instrumentality.

(4) \*Raw fur\* means a pelt that has not been processed for purposes of retail sale.

(5) \*Animal problem\* means any animal that threatens or damages timber or private property or threatens or injures livestock or any other domestic animal.

**SECTION 4.** If any part, section, or subsection of this legislation, or the application thereof, shall be held invalid, unconstitutional or inoperative, as to any particular person, persons or conditions, the remainder thereof, or the application of any such part, section or subdivision to other persons and conditions, shall not be affected thereby.

96

## TEXT OF MEASURE

Be It Enacted by the People of the State of Oregon:

**SECTION 1.** In order to protect people and domestic pets and to protect and conserve wildlife from the dangers of cruel and indiscriminate steel-jawed leghold traps and poisons and to encourage the use of humane methods of trapping when trapping is necessary to assure public health and safety, protect livestock, safeguard endangered species, or conduct field research on wildlife, notwithstanding any other provisions of Oregon law, the following provisions shall be inserted in Oregon Revised Statutes, Chapter 497.

(1) No person shall use a steel-jawed leghold trap or other body-gripping trap to capture any mammal for recreation or commerce in fur.

(2) No person shall knowingly buy, sell, barter or otherwise exchange, or offer to buy, sell, barter, or otherwise exchange, the raw fur of a mammal that has been trapped in this state with a steel-jawed leghold trap or any other body-gripping trap, whether or not pursuant to permit.

(3) No person shall use or authorize the use of any steel-jawed leghold trap or any other body-gripping trap to capture any animal except as provided in subsection 4 or 5 of this section.

(4) A person may use a Conibear trap in water, padded-jaw leghold trap, or non-strangling type foot snare with a special permit granted by the Director of the Oregon Department of Fish and Wildlife (Director) pursuant to parts (a) - (d) of this subsection. Issuance of such special permits shall be governed by rules adopted by the Oregon Fish and Wildlife Commission pursuant to ORS 496.138 and in accordance with the requirements of this section. Every person granted a special permit to use a trap listed

# Measure No. 97

## EXPLANATORY STATEMENT

Measure 97 prohibits the use of body-gripping traps with certain exceptions discussed below. The measure defines a body-gripping trap as a trap that grips an animal's body or body part, and specifically includes but is not limited to steel-jawed leghold traps, padded-jaw leghold traps, Conibear traps, neck snares and non-strangling foot snares. Cage and box traps, suitcase-type live beaver traps, and common rat and mouse traps are specifically excluded from the definition.

Measure 97 prohibits trapping with body-gripping traps and also prohibits the buying and selling of unprocessed fur from animals caught in body-gripping traps.

Certain body-gripping traps may be used after a special permit has been requested and obtained from the Director of the Oregon Department of Fish and Wildlife. These traps are Conibear traps in water, padded-jaw leghold traps, and non-strangling foot snares, which may be used for the purpose of health and safety, animal control, legitimate wildlife research and protection of endangered species. No other types of body-gripping traps may be used under the permit process.

To obtain a special permit, a person must show that there exists an animal problem which has not and cannot be reasonably addressed by the use of non-lethal control tools, including but not limited to guard animals, electric fencing, or a box and cage trap. In the alternative, they must show that non-lethal control tools cannot be reasonably applied.

Upon making a finding in writing that the animal problem has not and cannot be reasonably addressed by non-lethal control tools, or if the non-lethal control tools cannot be reasonably applied, the Director may authorize these permitted traps for a period not exceeding 30 days. Persons using traps by special permit must check their traps every 24 hours. Under current law, trappers are required to check their traps every 48 hours for non-predatory animals. They are not required to check any traps set for predatory animals.

Measure 97 prohibits the poisoning of any vertebrate animal through the use of sodium cyanide or sodium fluoroacetate, also known as Compound 1080. Both poisons are regulated by the Oregon Department of Agriculture. Sodium fluoroacetate cannot currently be used in Oregon. Sodium cyanide can only be used by the federal government in limited circumstances and cannot legally be used by anyone else.

A violation of Measure 97 would be a Class A misdemeanor punishable by a fine not to exceed \$5,000 and/or a maximum term of imprisonment of one year.

Under this measure and current Oregon law, animals may be trapped to prevent the damage they cause to private property or threats to public health. Other mammals may be trapped just for their fur, even if they do not threaten property or public health. The Oregon Department of Fish and Wildlife and the Oregon State Police Fish and Wildlife Division will continue to be responsible for enforcing and regulating the trapping of animals in Oregon.

**Committee Members:**

Scott Beckstead, Esq.  
Daniel Stotter  
Senator David Nelson  
Paul Phillips  
Greg McMurdo

**Appointed by:**

Chief Petitioners  
Chief Petitioners  
Secretary of State  
Secretary of State  
Members of the Committee

*(This committee was appointed to provide an impartial explanation of the ballot measure pursuant to ORS 251.215.)*

97

# Measure No. 97 Arguments

## ARGUMENT IN FAVOR

### Protect Pets and Wildlife Urges Yes on Measure 97

#### Restrict the use of cruel and dangerous traps and poisons

Each year in Oregon, more than 40,000 animals are killed in traps for sport and for the purpose of selling their fur. Measure 97 will restrict the use of cruel and dangerous traps and will prohibit the use of two toxic chemical poisons. Nothing more.

#### Traps and poisons are cruel and inhumane

Steel-jawed leghold traps, snares, and Conibear traps cause severe injury and suffering to wildlife and pets. Trapped animals suffer in pain for days, sometimes even chewing off their own legs to escape. The steel-jawed leghold trap has been declared "inhumane" by the American Veterinary Medical Association, and the American Animal Hospital Association.

M-44s are baited spring-activated devices that propel sodium cyanide poison into an animal's mouth. Compound 1080, or sodium fluoroacetate, is a highly lethal, slow acting poison that causes immense suffering to its victims. There is no antidote.

#### Traps and poisons are non-selective

Like landmines, they are hidden and waiting to explode, posing serious danger to children, family pets, and endangered species.

#### Measure 97 is a moderate measure

This measure balances public safety and humane treatment with the interests of property and livestock owners. It bans the most inhumane body-gripping traps, while allowing the selective use of certain traps by permit to protect public health and safety, livestock, threatened and endangered species, and to conduct wildlife field research. Homeowners can continue to use common rodent and gopher and mole traps.

#### Measure 97 has broad support

Protect Pets and Wildlife-Oregon is endorsed by elected officials and more than 60 humane, conservation and veterinary groups. An all-volunteer signature gathering drive collected over 104,000 signatures to qualify Measure 97 for the ballot.

#### Oregonians support humane treatment of animals, vote yes on Measure 97

Former Congresswoman Elizabeth Furse  
Co-Chief Petitioner, Protect Pets and Wildlife-Oregon

For more information, visit our website: [www.bancrueltraps.org](http://www.bancrueltraps.org)

*(This information furnished by Former Congresswoman Elizabeth Furse, Co-Chief Petitioner, Protect Pets & Wildlife-Oregon.)*

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## ARGUMENT IN FAVOR

### Vote Yes on 97

#### Protect people, pets and wildlife

I live in rural Oregon. Two years ago a conibear trap slammed shut on my wrist. I have never experienced such unrelenting agonizing pain. I lost the use of my hand for nearly nine months.

I found a trap in a pond near my home where many local residents walk their dogs and recreate. There were no warning signs. I lifted the trap from the water and it snapped shut on my wrist. The pain was incredibly intense. I could not get the trap off. I struggled against panic, knowing I had to keep control and get help.

Within an hour the trap was removed, but the pain did not stop. My hand was paralyzed and had no sensation except pain. I had sustained nerve damage that took almost a year to heal, and no medication alleviates the pain of nerve damage. Sometimes it felt like needles being shoved into it, or that my fingernails were being pulled out by the roots. Some days all I could do was wrap myself in a blanket and crippling me physically and emotionally. I lost all use of my hand and could not work, or take care of myself without help.

I will never forget the pain, shock, fear and desperation I felt when that trap slammed shut. However, I had the ability to get help and knew that somehow I would get it off. I now know how an animal feels when caught in a trap; terrified, in excruciating pain, and desperate enough to chew off its own limb to get free. The agony inflicted on living beings by traps is almost beyond description. I know, I have experienced it. Let my voice speak for those who cannot speak for themselves.

Jennifer Kirkpatrick  
Scappoose

*(This information furnished by Jennifer Kirkpatrick.)*

*(This space purchased for \$500 in accordance with ORS 251.255.)*

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# Measure No. 97 Arguments

## ARGUMENT IN FAVOR

### Veterinarians Urge YES on Measure 97

Veterinarians throughout Oregon oppose the use of steel-jawed leghold traps and poisons to capture and kill wildlife. The American Veterinary Medical Association, American Animal Hospital Association, and the Oregon Veterinary Medical Association have declared the use of these traps to be inhumane. Marion-Polk Veterinary Medical Association endorses ballot Measure 97.

These organizations, charged with over-seeing humane animal treatment around the world, recommend alternatives, such as guard animals and improved husbandry techniques be used whenever possible to protect livestock. Trapping animals for fur is indefensible and has no place in a civilized society. Four states and 89 countries have banned steel-jawed traps. It's time for Oregon to join them.

Animals caught in these barbaric devices suffer agonizing physical pain and severe psychological trauma. Lax, or no trap-check requirements, as when trapping coyotes, allow animals to languish for days awaiting death from dehydration, exposure or exhaustion as they struggle to escape. Suffocation at the hands of the trapper, wishing to avoid damage to the pelt, is the reward for those that live. The lucky ones manage to chew off a leg or paw, escaping with an injury that will greatly diminish their chance of survival in the wild and likely result in a slow and premature death. This is animal cruelty in its simplest form and it must be stopped.

As veterinarians we take an oath to relieve animal suffering and protect animal health. Each year we care for family pets, birds of prey, fox, rabbits and other unintended victims ensnared by traps. These injuries are needless and the suffering endured is unacceptable. It can be prevented.

We can stop this senseless slaughter by voting "YES" on measure 97.

Steve Amsberry, DVM  
 Michael Booth, DVM  
 Dale Bush, DVM  
 Sally Conklin, DVM  
 Robert Franklin, DVM  
 Laird Goodman, DVM  
 Stephanie Hazen, DVM,  
 Richard Hillmer, DVM  
 Byron Maas, DVM  
 Larry Peetz, DVM  
 Melissa Turnbull, DVM

*(This information furnished by Melissa Turnbull, DVM, President, Marion-Polk Veterinary Association; Larry Peetz, DVM, Salem, Veterinarians Against Inhumane Traps; Dr. Byron Maas, Bend; Richard Hillmer, DVM, Salem; Robert Franklin, DVM, Portland; Sally Conklin, DVM, Corvallis; Dale Bush, DVM, Talent; Michael W. Booth, DVM, Salem; Stephanie Hazen, DVM, Salem; Laird Goodman, DVM, Beaverton; Steve Amsberry, DVM, Salem.)*

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## ARGUMENT IN FAVOR

### The Humane Society of the United States Urges a "YES" vote on Measure 97

#### Don't Be Tricked by the Opponents' Scare Tactics and False Information

Measure 97 targets steel-jawed leghold traps and other inhumane and indiscriminate devices used for fur trapping and two deadly poisons – nothing more, nothing less. Measure 97 was carefully crafted to target the use of particularly barbaric traps used to kill animals for their fur and two poisons used for predator killing. When it's necessary to remove or kill an animal, people can use more humane and equally effective traps or other techniques.

**Measure 97's opponents can't defend fur trapping, so they mislead voters with outrageous and false information.** Opponents of Measure 97 engage in bald-faced fear-mongering. The measure imposes restrictions on the use of body-gripping traps - not box or cage traps or other humane traps. Measure 97 is so moderate that it includes exceptions for the use of leghold traps and other body-gripping traps to protect health and safety, property, livestock, and endangered species. We talked to and listened to ranchers and others before drafting Measure 97 and included these exceptions to accommodate them. Measure 97 does not ban trapping of moles, gophers, mice, or rats - animals not trapped for fur. Ever see a mole or gopher coat? Neither have we.

#### Fur trapping is not wildlife management.

Fur trapping amounts to random and indiscriminate killing of wildlife. Trappers set out more traps when pelt values increase. For example, if pelt prices for otters or bobcats double from one year to the next, we may see a tripling in the number of bobcats killed in the state. That's not science; that's commercially driven killing of our wildlife with inhumane traps.

#### Vote YES on Measure 97 to protect wildlife and family pets from the use of steel-jawed leghold traps and other body-gripping traps set out to kill animals for their fur.

Dr. John Grandy, Senior Vice-President  
 Wayne Pacelle, Senior Vice-President

*(This information furnished by Dr. John Grandy, Senior Vice President, Wildlife and Habitat Programs, Wayne Pacelle, Senior Vice-President; The Humane Society of the United States.)*

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# Measure No. 97 Arguments

## ARGUMENT IN FAVOR

Oregon victims of trapping and poisoning tell their stories:

"We found Buddy's body, our German Shepherd, not more than 100 yards from our back door. Bloody foam was around his mouth and nose. We also found pink film can objects on the pathway where we found him. These were M44s, poison capsules containing deadly sodium cyanide gas." -- Dixie and George Tippett (Estacada)

"Lucky was a puppy, just barely alive, strangling in a neck snare and severely dehydrated. The snare had tightened further and further as she struggled against the wire biting into her neck. Part of it was still embedded in her neck and had to be surgically removed." -- Toni Walter (Tigard)

"Natasha, my German Shepherd pup, was near death. Somehow she managed to crawl home, her front paw crushed in the jaws of a steel leghold trap, dragging a log attached to the trap behind her. Her mangled paw had developed gangrene. There were no leash laws or domestic stock in the area." -- Barbara Kelley (Eugene)

"We located our beloved family dog, Siddha, in a steel-jawed leghold trap, chained to a rod that had been driven into the ground. He was barely breathing, laying in a six-foot circle of snow and frozen blood. The steel jaws had cut completely through the skin on both sides of his paw, exposing bones and tendons. His efforts to pull himself free of the trap had caused tearing and further damage to his joint." -- James Ince, rancher (Azalea)

"Our son was able to crawl under the children's playhouse and free the kitty from where he had gotten stuck after dragging a trap home on his right forefoot. Thumpy, as he was to be named, suffered from severe frostbite, dehydration, shock, infection, malnutrition and was very near to death. Due to the severe frostbite, his ears were lost, as was his foot." -- Roberta Vandehey (Fossil)

Vote Yes on 97!  
Protect our pets and wildlife

*(This information furnished by Kelly Peterson, Protect Pets & Wildlife – Oregon.)*

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## ARGUMENT IN FAVOR

**The Oregon Humane Society strongly supports Measure 97**

Oregon's largest private animal shelter, serving the state with legislation and animal advocacy for over 130 years with over 34,000 supporters believes that now is the time to make Oregon a safer place for humans, companion animals and wildlife. We proudly participated in the all-volunteer effort to collect over 104,000 signatures to place Measure 97 on the ballot.

Dogs and cats are often the unwitting victims of the body-gripping traps and poisons targeted in this measure. The wording of this measure was carefully crafted to provide protection to dogs, cats, and children. Instead, of randomly setting out indiscriminate, deadly traps, Measure 97 provides a balanced approach. It would require the use of less deadly methods and targeting the actual wild animals causing the problem or safety concerns.

The Oregon Humane Society values Oregon's wildlife population. If management is needed, animals should be treated with compassion and respect. Animals caught in steel-jawed leghold traps and neck snares suffer terribly. Oregon's lax trap check laws, allow trappers to only visit their traps every 48 hours. Traps set for coyotes do not require checking at all! There is no reason for any animal, domestic or wild to die a slow, terrible death in the year 2000. Better methods exist and it is time to use them.

There is good reason why the Oregon Humane Society has been a lead proponent of Measure 97. It is our mission to make Oregon a better place for all animals by creating a community of compassion for all living things. Eliminating careless and inhumane killing, eliminating the indiscriminate use of deadly poison in the environment and promoting more humane methods of managing the animals that live in our state, is well within our mission.

**Please join The Oregon Humane Society and vote "YES" on Measure 97!**

Sharon Harmon, Executive Director

*(This information furnished by Susan Mentley, Oregon Humane Society.)*

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# Measure No. 97 Arguments

## ARGUMENT IN FAVOR

### **Ranchers and farmers protect their livelihood, pets and wildlife without traps and poisons.**

The key to protecting livestock and crops from predators, and to decreasing losses in general, is good husbandry. Traps and poisons are not necessary to ranching or crop operations. They present a danger to you and your neighbor's stock and pets, in addition to wildlife. Improved husbandry, and other non-lethal control methods really work to keep herds and crops healthy and protected -- it also makes you a good neighbor to wildlife and to families living close by.

Livestock and wildlife, including predators, aren't mutually exclusive. It's possible and desirable to protect livestock and crops without harming other animals. The focus of farming and ranching is production, NOT removing predators and other wildlife. There are many types of non-lethal controls available and it's time to shift public funds and educational efforts away from killing wildlife to environmentally sensitive methods of livestock and crop production.

Sally Conklin has raised sheep in the Willamette Valley for over 20 years and has never lost sheep or lambs to predators. "Bringing ewes into my barn during lambing and keeping lambs inside for a week afterward has been the most important and cost-effective thing I've done to protect my herd," Sally states. She rounds up and confines up to 100 sheep by herself, without any additional expense.

Guard animals are widely and successfully used for livestock protection. Certain breeds of dogs, llamas and donkeys are very effective in reducing predation and in deterring unwanted animals, domestic and wildlife, from pastures and pens. "The beauty of guard dogs is they're on duty 24 hours a day, their daily activity patterns match those of most predators", states Jay Lorenz, Ph.D, leading researcher on livestock guard dogs.

### **Responsible Ranchers and Farmers Urge YES on 97!**

Beth Ashley, Rancher, Maupin  
Sally Conklin, Rancher, Corvallis  
Marty Ginsburg, Rancher, Azalea  
Jim Ince, Rancher, Azalea  
Jay Lorenz, Ph.D, Corvallis  
John Platt, Helvetia Winery, Hillsboro

*(This information furnished by Jim Ince.)*

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## ARGUMENT IN FAVOR

### **Oregon Wildlife Federation Urges "YES" on 97**

The Oregon Wildlife Federation believes in wildlife populations that do not interfere with human populations. We also believe people have the right to protect their property. Measure 97 does not threaten wildlife management or private property rights. Traps and poisons are not selective; they injure and kill whatever animal (including domestic animals, endangered species and people) comes into contact with them. In addition, they have been shown to be ineffective in controlling or limiting predators, which is a primary reason for their use. We do not believe the questionable benefits of traps and poisons outweigh the risks they pose to the public and the environment.

One teaspoon of the poison Compound 1080 (sodium fluoroacetate) can kill several adult humans. There is no antidote. Sodium cyanide (used in gas chambers) is the chemical inside small canisters known as M44s. They are baited, stuck into the ground. A blast of poison shoots into the face of whatever animal disturbs them. Measure 97 bans sodium cyanide and Compound 1080 from Oregon.

Trapping does not achieve a quick, clean kill, or selectively manage populations. Animals suffer in traps for days. Only bobcats have a bag limit. Pelt price, not biology, dictates the management of furbearers.

Biologists found that indiscriminate killing of predators with traps and poisons, which seeks to reduce the population, actually has the opposite effect - it causes populations to grow. In response to reduced numbers and disruption of pack social systems that effectively control breeding, more females produce larger litters, and survival is greater. The pressure of more mouths to feed forces predators to increase hunting and predation on livestock.

### **Traps and poisons cause more problems than they cure, it's time to control them.**

### **Vote YES on Measure 97**

Paul Loney, President, Oregon Wildlife Federation

*(This information furnished by Paul Loney, President, Oregon Wildlife Federation.)*

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# Measure No. 97 Arguments

## ARGUMENT IN FAVOR

### Oregon Animal Welfare Alliance Urges Yes on Measure 97

The Oregon Animal Welfare Alliance (OAWA) urges Oregonians to join them in passing Measure 97. OAWA represents Humane Societies, Animal Control Agencies, wildlife advocacy and animal welfare groups throughout Oregon. All offer protection and support to companion pets and wildlife. All OAWA member organizations participated in a successful all-volunteer signature drive that placed this important issue before Oregon voters.

Traps and poisons present a very real and serious danger to family pets, endangered species, other wildlife and even children. Trapped animals suffer terribly. Some chew their legs or paws off, break and splinter their teeth and claws trying to escape during the long (sometimes days or even weeks) wait before the trapper arrives to stomp or beat them to death. Sodium cyanide and Compound 1080, deadly poisons that are equally nonselective, kill any animal or human who contacts them. It's time Oregon eliminated these dangerous, primitive, unnecessary practices. There are many other control options available; Measure 97 only restricts these cruel and indiscriminate methods for recreation and commerce in fur.

The sole intent of Measure 97 is to restrict the inhumane methods of fur trapping, while allowing certain traps to be used to protect private property and livestock. Measure 97 has no hidden agenda. It will not prevent homeowners from rodent control, or prevent animal workers from using common restraint equipment.

It's time Oregon joined the 89 countries and four states that have banned inhumane steel-jawed leghold traps. Trapping animals for fur is animal cruelty, and our family pets and wildlife deserve better than this.

### Vote Yes on Measure 97.

*(This information furnished by Susan Mentley, Treasurer, Oregon Animal Welfare Alliance.)*

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## ARGUMENT IN FAVOR

### Oregon Audubon Chapters Urges "Yes" on Measure 97

Steel-jawed leghold traps are inhumane and indiscriminate. They break bones, dislocate joints, and cause excruciating pain for wildlife and family pets.

Victims that attempt to free themselves cause additional pain and suffering. If they do not die from thirst, starvation, and exposure, the trapper will kill them, usually by bludgeoning or stomping.

Animals caught in traps don't just linger for minutes, or hours, but for days. Oregon has one of the most lax trap-check laws, with trappers required to visit the traps only every 48 hours, except for coyotes for whom there is no trap check requirement.

Body-gripping traps catch any animal that triggers them including threatened and endangered species, young and juvenile wildlife, birds as well as family pets. These devices are like landmines for wildlife. Studies demonstrate that for every target animal caught in a trap, one to ten non-target animals fall victim to these devices.

Measure 97 would prohibit the use of steel jawed leghold traps and other body-gripping traps to capture any animal for recreational or commercial purposes.

It would allow, with a permit issued by the Oregon Department of Fish and Wildlife, trapping for animal damage control with non-strangling foot snares, padded jaw leghold traps and conibear traps in water. Farmers must first try non-lethal methods of controlling nuisance animals before obtaining a permit.

Permits may also be issued for trapping to protect public health and safety, to safeguard endangered species, and to conduct legitimate wildlife research.

Measure 97 also prohibits the use of Compound 1080 (sodium fluoroacetate) and sodium cyanide. These poisons are used to kill coyotes; however, unintended wildlife can trigger these devices, resulting in even more unnecessary killing.

### Endorsed by:

- Columbia Gorge Audubon Society
- Kalmiopsis Audubon Society
- Rogue Valley Audubon Society
- Salem Audubon Society
- Siskiyou Audubon Society

*(This information furnished by Jim Britell, President, Kalmiopsis Audubon Society; John Taylor, Vice-President, Siskiyou Audubon Society; Dennis White, Conservation Chair, Columbia Gorge Audubon Society; James Conley, President, Salem Audubon Society; Thomas T. Smith, President, Rogue Valley Audubon Society.)*

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# Measure No. 97 Arguments

## ARGUMENT IN FAVOR

### Sportsmen For Measure 97 Urge "YES" on Measure 97

Ethical hunters support Measure 97. It provides Oregonians balanced and fair use of traps when they are necessary, such as for the control of nuisance animals. The core beliefs of ethical hunters are incompatible with the concept and deed of trapping animals for the purpose of personal profit or for sport.

Two of sport hunting's most important tenants are 'fair chase' and making a quick and clean kill. Trapping violates both concepts. There is no level playing field when taking animals with a trap line. Trapping is a passive pursuit --the trap is set, the trapper goes home. Any animal happening to stumble into the waiting trap becomes entrapped. There is no active stalking of a specific animal or pitting the hunter's capabilities against those of the prey species as there is in sport hunting. This violates the concept of fair chase. In addition, trapping does not provide a quick, clean kill. Animals caught in snares and traps suffer for prolonged periods, they do not die quickly. After days of struggling in traps or snares, they are killed at point blank range by suffocation (stomping on their chests), or are bludgeoned to death to avoid marring the pelt. This is not a quick or clean kill. In addition, numerous animals besides the one for which the trap is intended are caught, suffer and die needlessly.

Trapping violates the important hunting concept of eating what you kill, not selling or wasting it. Before game laws were enacted, animals were killed for the primary purpose of selling their parts. Today's game laws prohibit hunters from selling or otherwise profiting from harvested wildlife or parts.

By obeying game laws and a strict code of ethics, hunters manage wildlife and control game populations. Trapping is not a form of ethical hunting.

Loren Hughes, President, Sportsmen for Measure 97  
Past Regional Director, Izaak Walton League

*(This information furnished by Loren Hughes, President, Sportsmen for Measure 97.)*

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## ARGUMENT IN FAVOR

### Oregon Chapter Sierra Club Urges YES on 97

Oregon's public lands are littered with dangerous and indiscriminate steel-jawed leghold traps. These devices and substances not only threaten wildlife and family pets, but also hikers and other outdoor enthusiasts.

### Measure 97 will restrict cruel and indiscriminate traps and two deadly poisons.

#### Poisons are indiscriminate killers:

Measure 97 bars the use of Compound 1080 and sodium cyanide -- deadly poisons set out to kill wildlife. Compound 1080 is a highly lethal poison with no known antidote. Compound 1080 not only kills its targeted victims, but also animals that feed on poisoned carcasses, such as raptors. Originally banned throughout the West in 1972 because of secondary poisoning of wildlife, it is now creeping back into use in western states. Measure 97 will establish state law prohibiting its use in Oregon once and for all.

Sodium cyanide -- loaded into spring-activated ejector devices known as M-44s -- is used in Oregon by U.S. Department of Agriculture to kill predators, often on public lands, at taxpayer expense. Sodium cyanide is a highly toxic and indiscriminate poison that causes a violent death for both target and non-target animals, including threatened and endangered species. It can take several minutes of suffering before the animal succumbs to the poison and dies.

#### Commercial Trapping Wildlife Exploitation:

Trapping is the only state-sanctioned form of commercial wildlife killing, where individuals kill animals and sell their parts, the fur, for profit. It is a vestige of the long-discredited era of market killing of wildlife. Trappers don't kill the animals for food, but simply to sell the parts to the international fur trade.

#### Protect our public lands and wildlife:

Commercial and recreational trapping and deadly wildlife poisons disrupt natural ecosystems, create dangerous situations for hikers and other outdoor enthusiasts, and cause untold suffering for tens of thousands of animals.

### Please join the Oregon Chapter Sierra Club in voting YES on 97.

*(This information furnished by Mari Margil, Conservation Coordinator, Sierra Club, Oregon Chapter.)*

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# Measure No. 97 Arguments

## ARGUMENT IN FAVOR

### THE FUND FOR ANIMALS URGES "YES" ON 97

The Fund for Animals, on behalf of more than 1,000 Oregon members and supporters, urges a "Yes" vote on Measure 97. This sensible measure will prohibit the use of cruel and outdated traps for recreation and commerce in fur, and prohibit the use of two deadly poisons.

At The Fund for Animals' animal care facilities, we have seen first-hand the effects that indiscriminate traps can have on both "target" and "non-target" victims. An orange tabby kitten named Peg once came crawling toward the main house at our Black Beauty Ranch, step by painful step, all the time dragging a steel-jawed leghold trap behind her. A veterinarian had to remove her front leg all the way up to the shoulder. And at our Wildlife Rehabilitation Center, we have provided medical treatment to several protected species injured in traps, including a great horned owl and a juvenile red-tailed hawk who both had their legs snapped off in the jaws of leghold traps.

The small number of animals who receive our help pales in comparison to the tens of thousands who suffer for days with broken bones, lacerations, joint dislocations, and other injuries. As the animals struggle to free themselves, they may break their teeth or injure their gums by chewing on the metal traps. They may pull the stakes out of the ground and drag the traps with them for several days, or they may even chew off their own legs in desperate attempts to escape. Their misery only ends when they finally die of infection, parasites, blood loss, or at the hands of the trapper.

Measure 97 will prohibit the use of these inhumane traps for recreation and commerce, but will still allow the use of some traps to ensure public health and safety, to protect livestock or property, to safeguard threatened and endangered species, or to conduct field research on wildlife.

**Please vote "Yes" on Measure 97.**

*(This information furnished by Michael Markarian, The Fund For Animals.)*

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## ARGUMENT IN FAVOR

Oregon victims of trapping and poisoning tell their stories:

"Suddenly our West Highland Terrier, who was a little behind us, cried out. We turned to see her writhing on the ground, her leg caught in a steel-jawed leghold trap. In the desperate, bloody minutes that followed, Kerstin was severely bitten twice before we could find a way to release the traumatized dog." -- Robert and Kerstin Adams (Astoria)

"A neighbor found Dante, our year-old Aussie/Chow mix pup, in a weakened condition, but still alive. Mangled flesh, and precious little of it, was all that was left of his right foreleg. My wife and our two toddlers took him to the veterinarian who had to remove Dante's entire leg at the shoulder." -- Luke Gregg (North Plains)

"One Sunday, as we walked along in a nearby national forest, Nellie became a target of a leghold trap that had been set along the left edge of the path. Her yelps were pitiful as my husband wrenched open the trap and freed Nellie's injured front leg." -- Diane Gange Landers (Corvallis)

"A neighbor came by one day and told me he was putting out some snare traps. Sure enough, several days later some kids came up to our house and told us a cat was trapped in one of the snares. The cat was obviously terrified and in pain. Somehow I managed to free it without getting seriously clawed or bitten. It hobbled off before I could determine if the leg was broken. Any child or pet could have gotten caught and injured in his snares." -- Bill Wood, M.D. (Clackamas)

Vote Yes on 97!  
Protect our pets and wildlife

To view a short video about the Oregon trapping campaign, go to: [http://www.stream.realimpact.net/?file=realimpact/hsus/video\\_features/hsus\\_feature\\_leghold.rm](http://www.stream.realimpact.net/?file=realimpact/hsus/video_features/hsus_feature_leghold.rm)

*(This information furnished by Kelly Peterson, Protect Pets & Wildlife-Oregon.)*

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# Measure No. 97 Arguments

## ARGUMENT IN OPPOSITION

The **Oregon Society of American Foresters** has approximately 1200 members, including foresters, scientists, administrators and educators who contribute to the management of public and private forest lands throughout Oregon. We work for many different employers and hold a variety of professional viewpoints, but **we strongly oppose Measure 97**. It would greatly restrict animal control practices in Oregon, affecting not only foresters **trying to control rodents or other animals that damage or destroy seedlings and young forests**, but also homeowners dealing with problems from gophers, moles and other pests.

**Oregon Society of American Foresters opposes Measure 97 because:**

- Animal damage to Oregon's young forests continues to be a significant management problem in sustaining Oregon's forests.
- Measure 97 uses broad, restrictive language that would eliminate effective tools needed by foresters to reduce animal damage to young forests. In many locations animal damage control is needed to promptly establish new forests and to ensure sustainable forest management.
- Carefully planned trapping by professional foresters is biologically sound and environmentally safe. Current trapping methods have been developed and tested over time and have proven highly effective and environmentally sound. In many situations, alternatives to such methods that are as safe and effective do not exist.
- Measure 97 does not allow exceptions for any body gripping traps except when set in water. This prevents using traps to control gophers, moles, and rodents that are damaging forest regeneration.
- The complex and cumbersome process included in the measure to allow exemptions is not practical. By the time a permit is obtained serious damage can occur.

The Oregon Society of American Foresters supports professional, conscientious management of Oregon's forest resources. Oregon is a leader in reforestation and sustainable forestry. Measure 97 would threaten this status by eliminating important tools and practices prudently used by professionals to achieve sustainability.

*(This information furnished by Carrie Sammons, Society of American Foresters.)*

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## ARGUMENT IN OPPOSITION

### OREGON'S WATER, SANITARY, PARK, IRRIGATION AND VECTOR CONTROL DISTRICTS URGE A NO VOTE ON 97

Measure 97 bans the use of one of our most effective ways of controlling rats, mice and other destructive animals.

Measure 97 will make the control of rats in sewer systems more difficult, making it easier for rodents to enter homes.

Measure 97 will prohibit the use of gripping traps to catch moles that create holes in soccer fields creating a safety hazard for children.

Measure 97 will make it more difficult to control gophers that tunnel into irrigation ditches creating flooding hazards.

### MEASURE 97 IS A WELL INTENTIONED MEASURE BUT IT JUST GOES TOO FAR

Measure 97 applies to "...any non-human vertebrate." The measure is too broad.

Measure 97 defines "Body-gripping trap" to include most common lethal and non-lethal traps but adds that phrase "...but is not limited to..." which makes the definition open-ended and subject to interpretation by lawsuit.

Measure 97 applies to governments as well as individuals, making public control of destructive animals by gripping traps a crime.

### VOTE NO ON MEASURE 97

*(This information furnished by Greg Baker, Executive Director, Special Districts Association of Oregon.)*

*(This space purchased for \$500 in accordance with ORS 251.255.)*

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# Measure No. 97 Arguments

## ARGUMENT IN OPPOSITION

### Mothers Ask Oregonians to Vote "No" on Measure 97

**Measure 97 is so poorly written that its intent seems to be to hurt Oregon's family farms and ranches.**

Our families raise livestock and crops for a living, so like other farm and ranch families we live close to nature. Our children and grandchildren have learned a strong work ethic and responsibility by raising calves and lambs. They have learned the heartbreak of having their livestock and pets hurt or killed by coyotes and other predators.

We have come to expect a certain amount of wildlife damage because it occurs every year on farms and ranches but sometimes we find it necessary to control over-populations of pests like moles, gophers and predators like coyotes.

**The definition of a body-gripping trap in Measure 97 is so broad as to appear foolish.**

The language used in Measure 97 includes squeeze chutes and head gates. These things are used every day on the ranch for life-saving treatment of cattle, sheep and horses. Even lariats, snares and catchpoles meet the definition of "body gripping" traps. At the very least, this measure is an invitation to lawsuits by animal rights extremists.

**No one supports the needless suffering of animals.**

Nor do we support allowing dangerous animals to threaten our family's safety. In order to protect a healthy and safe environment for all Oregonians, we must keep tools available and our options open. The use of traps in Oregon is strictly regulated by Oregon Department of Fish & Wildlife and enforced by the Oregon State Police Fish & Wildlife Division. Changes to these regulations should go before the Oregon Fish & Wildlife Commission... we should not manage wildlife with the ballot box.

PLEASE VOTE NO ON MEASURE 97.

IT'S AN ALL AROUND BAD DEAL

Margaret Magruder  
Clatskanie, Oregon

Sharon Livingston  
Long Creek, Oregon

Marjorie Nichols  
Canby, Oregon

Sharon Beck  
Cove, Oregon

*(This information furnished by Sharon Livingston, Margaret Magruder, Marjorie Nichols, Sharon Beck.)*

*(This space purchased for \$500 in accordance with ORS 251.255.)*

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## ARGUMENT IN OPPOSITION

### "Measure 97 is poorly written"

Major Roy Hyder, retired  
Oregon State Police Fish & Wildlife Division

As a retired Oregon State Police Officer, I'm proud to have worked 29 years protecting Oregon's wildlife. I have some very serious concerns with Measure 97 that I ask Oregonians to consider before voting.

Oregonians should read the measure to understand that Measure 97 threatens the very wildlife it claims to protect.

- **Definition of a "body-gripping" trap in Measure 97: "Body-gripping trap means a trap that grips an animal's body or body part."**

This extremely broad definition opens the door to lawsuits against farmers and ranchers using animal management tools like squeeze chutes that grip a calf or a lamb's body. This definition also includes humane instant-kill mole and gopher traps used by private property owners to protect their lawns and gardens.

- **Section 1 (3) in Measure 97: No person shall use or authorize the use of any steel-jawed leghold trap or any other body-gripping trap to capture any animal except as provided in subsection 4 or 5 of this section.**

The inclusion of "any other body-gripping trap" is a blanket ban on the use of any traps in Oregon. While the proponents claim to want to stop certain types of trapping, Measure 97 bans all trapping except under certain circumstances where a special permit must be issued. I've reviewed the permit process and I believe it is unworkable.

Measure 97 ignores strict trapping laws already in place. It could result in law enforcement officers citing citizens for trapping nuisance animals instead of enforcing important existing wildlife laws.

**Measure 97 is a poorly written measure that goes too far.**

The measure includes a "notwithstanding any other provisions of Oregon law" that overrules existing laws. It also bans two poisons that already cannot be used in Oregon today!

I ask that you join me in voting "No" on 97.

Thank you.

**Roy Hyder**

*(This information furnished by Roy Hyder, Retired, Oregon State Police.)*

*(This space purchased for \$500 in accordance with ORS 251.255.)*

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# Measure No. 97 Arguments

## ARGUMENT IN OPPOSITION

### Oregon State Police Enforce State Trapping Laws

Dear Oregonians,

As a retired Oregon State Police officer with the Fish & Wildlife Division, I'm very familiar with the existing laws that govern the use of traps in Oregon.

Any person trapping in Oregon must be licensed. A requirement of the licensing process is that each person successfully finishes a training program sanctioned by the State of Oregon. The required training program teaches ethics, humane trapping, resource management and trapping laws. The training program helps ensure the law is followed and humane treatment of wildlife is practiced.

Oregon State Police officers routinely check traps and trappers to ensure laws and regulations are followed. In the field, officers check traps for a required brand, a number that identifies the trapper who owns it, so they know who is out there and where. They also ensure seasons and bag limits are abided by to protect the health of our wildlife populations.

Lawbreakers that trap in an unsafe or inhumane manner violating existing laws are arrested and prosecuted. Placing a trap on private property without permission from the owner or within city limits or parks is illegal.

Enforcing a ban on mole and gopher traps and other trapping of nuisance animals will prove difficult. It is also a waste of valuable time. Oregon State Police have many important wildlife laws to enforce and responding to complaints of illegal mole and gopher trapping in lawns, gardens and golf courses is not one of them.

Measure 97 is unnecessary and goes too far.

Please Vote "No" on 97

Sincerely,

**Lieutenant Dudley Nelson, retired  
Oregon State Police  
Fish & Wildlife Division**

*(This information furnished by Dudley Nelson, Retired, Oregon State Police.)*

*(This space purchased for \$500 in accordance with ORS 251.255.)*

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## ARGUMENT IN OPPOSITION

**Former Chairs of the Oregon Fish & Wildlife Commission  
Urge Oregonians to vote NO on Measure 97**

**The ban is extreme and goes too far because  
it is poorly written**

### Measure 97 – bans common mole and gopher traps

Moles and gophers can destroy home gardens, city parks, school playgrounds, cemeteries, nurseries and golf courses. They are a nuisance because of their mounds and burrowing systems that create several hundred feet of holes and mounds. They also chew on underground cables and pipes, causing damage that may be difficult to find and expensive to repair.

### Measure 97 – imposes extreme permit process and fines

Violations for trapping a mole or a gopher could result in a Class A misdemeanor with fines of up to **\$5,000 and up to a year in jail per animal.**

You will only be able to protect your property with a "special permit" from the Director of the Department of Fish and Wildlife. This process will be a slow, cumbersome, bureaucratic, red-tape mess from an already overworked and understaffed department.

Only after you have applied in writing and proven that a problem exists, will you be allowed to trap. What good is mole and gopher control after crops have been destroyed or after a child has been injured after tripping in a gopher hole?

### Measure 97 - does more harm than good

We've reviewed thousands of regulations and laws as Oregon Fish & Wildlife Commissioners. Measure 97 is not good for Oregon or Oregon's wildlife.

**Don't get trapped by the ban!**

**VOTE NO on Measure 97**

**Pete Barnhisel, Corvallis**

**Bob Jacobson, Newport**

**Jim Habberstad, The Dalles**

**Jim Van Loan, Steamboat**

*(This information furnished by Jim Habberstad, Jim Van Loan, Bob Jacobson, Pete Barnhisel, former commissioners, Oregon Dept. of Fish & Wildlife.)*

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# Measure No. 97 Arguments

## ARGUMENT IN OPPOSITION

**Rudy Rosen, Ph.D.**

**Former Oregon Department of Fish & Wildlife Director**

As a biologist and former director of the Oregon Department of Fish & Wildlife, I've reviewed thousands of regulations and laws. While Measure 97 appears as an attempt to protect wildlife... it threatens to do more harm than good.

**Measure 97 threatens the public health and safety of Oregonians by limiting the tools used to manage wildlife populations.**

Examples from other states that passed similar bans:

- Tragedy struck a young family when their baby boy in California was left brain-damaged after ingesting droppings from raccoons, a population described as an "infestation" by wildlife professionals.
- An over-population of coyotes around the Colorado Springs Airport has resulted in numerous planes hitting coyotes on the runway. One strike caused over \$500,000 in damage to the airplane's landing gear.

**Consider this Bend Bulletin editorial (August 14, 2000)**

"If you want to know how Measure 97 would work, consider what's happened in Massachusetts since voters approved a similar initiative - one that included the trap loophole - in 1996. Prior to the ban, there were fewer than 24,000 beaver in the state, says state wildlife biologist Susan Langlois. As of this fall, the population will top 61,000. With the explosion, naturally, have come serious problems. Roads have been washed out by collapsing beaver dams, Langlois says, and just last year beaver activity forced four towns to pass ordinances requiring residents to boil their drinking water."

The consequences of a Measure 97 just weren't thought out. It binds the hands of professional biologists who work to manage the balance between man and nature. Our wildlife biologists need tools to guard against diseases and parasites such as gardias, round worm and Lyme disease.

**Oversimplified ballot measures to solve complex biological issues just don't work.**

**That's why I hope you'll vote "No" on 97**

Rudy Rosen  
Former Director, Oregon Department of Fish & Wildlife (1994-1997)

*(This information furnished by Rudy Rosen, Ph.D., former director, Oregon Dept. of Fish & Wildlife.)*

*(This space purchased for \$500 in accordance with ORS 251.255.)*

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## ARGUMENT IN OPPOSITION

**Oregon Farm Bureau Opposes Measure 97**

Measure 97 defines a trap "that grips an animal's body or body part." This broad definition opens the door to farmers and ranchers being sued over the use of head gates and squeeze chutes.

If Measure 97 passes, Oregon farms will be struck with an explosion of animal damage. Even with sensible animal control, rodents alone cost Oregon farms over \$16 million annually (Oregon Agricultural Statistics Service 1998). Many other animal populations need to be managed to minimize losses to Oregon's farmers.

Here's how some of the damage is done...

**Moles --** Their mounds of loose soil are only an indication of the extensive tunneling activity underground. Moles eat and damage: tulips, lilies, iris, carrots, potatoes, peas, beans, corn, oats and wheat.

**Gophers --** The burrow system of a single gopher may range over several hundred feet. Gophers feed on roots, stems and leaves. Gophers even damage trees by stem girdling and root pruning.

**Nutria --** A non-native animal to Oregon that burrows into river banks and irrigation canals and ditches. This burrowing activity can destabilize banks and cause serious erosion.

**Coyotes --** While impossible to get rid of, coyote populations can be managed. Yet even with current management tools, coyotes kill thousands of baby lambs and calves each year in Oregon.

Measure 97 restricts common sense methods for controlling nuisance animals.

Measure 97 leaves poisons as a poor option to the use of traps.

**Join Oregon's Farmers in Saying "No" to Measure 97**

*(This information furnished by Andrew Anderson, Oregon Farm Bureau.)*

*(This space purchased for \$500 in accordance with ORS 251.255.)*

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# Measure No. 97 Arguments

## ARGUMENT IN OPPOSITION

### Measure 97 permit process is flawed and unworkable

**Measure 97 reads:**

"SECTION 1. (4)(b) The Director may grant a special permit to use traps listed in subsection 4 to a person who applies for such permit in writing and establishes that there exists on a property an animal problem which has not been and cannot be reasonably abated by the use of non-lethal control tools, including but not limited to guard animals, electric fencing, or box and cage traps, or if such tools cannot be reasonably applied."

**We ask: How is this process supposed to work?**

- How long must we attempt the non-lethal control tools?
- Establish a problem how? A bureaucratic form? Video tape?
- How many sheep have to be killed on our private land before it is considered a problem?

**Measure 97 reads:**

"Upon making a finding in writing that the animal problem has not been and cannot be reasonably abated by non-lethal control tools or if the tools cannot be reasonably applied, the Director may authorize the use, setting, placing or maintenance of such traps for a period not exceeding 30 days."

**We ask: How is this process supposed to work?**

- When will the Director review our requests?
- What is considered reasonable?
- After 30 days – we guarantee you – predator animals will return and the flawed, unworkable process will begin again.

**Measure 97 supporters stated in written testimony:**

"...there is nothing to preclude the ODFW [Oregon Department of Fish & Wildlife] from charging a minimal fee for processing permits..."

**We ask: How will this fee be administered?**

- What is the proposed fee?
- How many times a year should we pay a fee to protect our sheep?

Measure 97 is flawed

Measure 97 is unworkable

**Vote No on Measure 97**

Cleve and Ellie Dumdi  
Sheep Ranchers in Lane County

Carey Moffett  
Sheep Ranchers in Lane County

*(This information furnished by Cleve and Ellie Dumdi, Carey Moffett.)*

*(This space purchased for \$500 in accordance with ORS 251.255.)*

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## ARGUMENT IN OPPOSITION

### ATTENTION SPORTSMEN. WILL YOU BE NEXT? VOTE NO ON MEASURE 97

In 1994, using emotional rhetoric and graphic videos of illegal hunts and hunts in other states, animal rights extremists misled Oregon voters into supporting a ban on certain cougar and bear hunting techniques. At the time they stated that their only purpose was to ban these few "unfair" practices. Now they are back attacking scientific wildlife management with an attempt to stop already well regulated trapping. What will be next, Bow Hunting, Muzzle Loaders, All "Sport" hunting? Lets look at the havoc created by the ban on cougar and bear hunting brought about by the passage of Measure 18.

**WILDLIFE MANAGEMENT HAS SUFFERED.** "We think Measure 18 is one of the most unfortunate incidents that has happened to wildlife management in this state, this century." Jim Haberstadt, Vice Chairman, Oregon Fish and Wildlife Commission 12/14/94. *Eugene Weekly.*

**HUNTING OPPORTUNITY IS REDUCED.** The May 3, 2000 issue of *The Observer* had this to say about the recommendation to reduce elk tags in Wallowa County. "Over the past four years, elk populations have plummeted because of predation, wildlife officials say. Consequently tags have been reduced by 6,000." ODFW District Biologist Vic Coggins believe the reduction in numbers is a predation problem, "probably mostly cougars". "Cougars are believed to be preying primarily on elk calves," Coggins said. *The Observer*, La Grande, OR, May 3, 2000.

Measure 97 is a continued attack on Sportsmen. The moving force behind Measure 18 was the Humane Society of the United States. Once again they have pledged enormous amounts of money to support Measure 97. Their leader, Wayne Pacelle has repeatedly attacked "sport hunting", saving his most vicious attack for muzzle loaders and bow hunters. Washington State University Speech 4-19-93. Will your sport be next?

**SPORTSMEN UNITE  
PROTECT YOUR OUTDOOR HERITAGE  
VOTE NO ON MEASURE 97**

*(This information furnished by Rod Harder, Oregon Sportsman's Political Victory Fund.)*

*(This space purchased for \$500 in accordance with ORS 251.255.)*

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# Measure No. 97 Arguments

## ARGUMENT IN OPPOSITION

### **Pest Control Businesses know 97 will Ban Mole and Gopher Traps**

The definitions and language of Measure 97 goes way beyond the claims of the proponents. We've read the measure and we know that it bans common mole and gopher traps... its there in black and white.

### **Measure 97 threatens our ability to get the job done. It also threatens the property of our customers.**

We work to keep lawns, gardens, parks, school playgrounds, cemeteries, nurseries and golf courses safe and beautiful. Moles cause extensive damage to lawns, home gardens and farms because of their mounds. The burrowing of gophers is not only a nuisance, but also causes erosion and lost water. A variety of tools are used to effectively manage these critters, many are banned by Measure 97.

If Measure 97 becomes law, it is reasonable to think that additional poisons will be released into the environment and highly populated areas. More poisons are not a responsible approach to nuisance animal control and can be very expensive.

Consider this: violations for trapping a mole or gopher could result in a Class A misdemeanor with fines of up to \$5,000 and up to a year in jail per animal. This is extreme for controlling these animals.

The proponents of Measure 97 dreamed up a permit process that is so unworkable, it wouldn't even allow the issuance of a permit for mole and gopher traps!

The proponents say Measure 97 does one thing, yet the measure does another.

Measure 97 is so poorly written and thought out. It will create unacceptable damage to the environment and to homeowners. The safest and most efficient method to retaining the natural balance of nature is with the responsible and regulated use of traps by educated and trained professionals.

### **Thank you for voting NO on 97**

Guaranteed Pest Control Services  
Beaverton

Eastside Mole Works  
Gresham

American Extermination Plus, Inc.  
Portland

*(This information furnished by Wes Lydell, Guaranteed Pest Control Service Co.)*

*(This space purchased for \$500 in accordance with ORS 251.255.)*

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## ARGUMENT IN OPPOSITION

### **Manager of Pioneer Cemetery Urges Oregonians to Vote "No" on 97**

**Cemeteries need to be safe places to visit.**

**Maintaining the safety of visitors and the appearance of a cemetery grounds as a place of respect and honor for the dead is a costly endeavor.**

For many pioneer cemeteries the expense and responsibility falls directly on volunteer board members and local community support.

**However well intentioned, the proponents of Measure 97 have gone too far!**

The language and definitions they want us to put into law bans the use of safe, humane traps used by cemeteries across Oregon to maintain the safety of their grounds.

If our grounds aren't safe, this will drive up liability insurance costs. Many small cemeteries throughout Oregon can't afford any additional costs. Measure 97 may threaten their financial well-being

**Government permit process is Confusing and Unworkable!**

The government bureaucracy made by Measure 97 doesn't even allow cemeteries to obtain a permit from the Department of Fish & Wildlife for mole and gopher traps. Besides, the hundreds of cemeteries around the state and the people trying to maintain them shouldn't have to get a permit to trap moles and gophers!

### **Please vote "No" on Measure 97!**

Charlotte Benz,  
Pioneer cemetery manager, Washington County

*(This information furnished by Charlotte Benz.)*

*(This space purchased for \$500 in accordance with ORS 251.255.)*

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# Measure No. 97 Arguments

## ARGUMENT IN OPPOSITION

**State Labor Commissioner Jack Roberts**

**Measure 97 will not do what the sponsors say it will do.**

As the current Labor Commissioner and a former Lane County Commissioner, I have read thousands of pieces of legislation. Laws need to make sense. Laws need to do in practice what the writers intend them to do.

**Read all of Measure 97. When you do, you see will it doesn't make sense!**

**Vote NO on Measure 97**

### MEASURE 97 – TOO MANY UNINTENDED CONSEQUENCES

This measure far goes beyond the simple rhetoric of the sponsors

- By not using the most effective tool, **defenseless** lambs, cattle, and other livestock will be hunted and killed by predator animals. There will be no efficient way to deter these predators from entering family farms and killing domestic pets and livestock.

Why pass a law that could have such dramatic effects?

- Since this measure is so poorly written it could ban lariats (a rope to round-up livestock); head gates (used to restrain cattle, sheep and horses to receiving medicines and treatment); and catch poles and snares (to capture runaway animals)

### MEASURE 97 – BANS HUMANE MOLE & GOPHER TRAPS

This measure bans all traps for all reasons

- Measure 97 bans the humane instant kill traps that protect home gardens and crops from moles and gophers.

**Measure 97 is too extreme. It goes far beyond what the sponsors say it will do**

*(This information furnished by Jack Roberts, Commissioner, Oregon Bureau of Labor & Industries.)*

*(This space purchased for \$500 in accordance with ORS 251.255.)*

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## ARGUMENT IN OPPOSITION

OREGONIANS IN ACTION PAC  
Representing rural property owners

And

OREGON FAMILY FARM PAC  
Representing small family farms in Oregon

Urge a **NO** Vote on Measure 97

**Measure 97 will hurt Oregon's family farms.**

Raising crops and livestock is hard work. Measure 97 makes it harder. It takes away a tool that helps us manage wildlife populations that can cause immense damage. Rodents cost farms and ranches over \$16 million dollars in 1998 alone while coyotes killed nearly a \$1,000,000 in lambs and calves.

**Measure 97 restricts property owners from common sense practices.**

Moles, gophers and other nuisance animals can cause extensive damage to private lands. Yet Measure 97 forces private landowners to obtain permits to control some animals...and flat out bans common mole and gopher traps.

**"Body-gripping" trap definition will result in lawsuits.**

The over-broad language in Measure 97 is an open invitation to lawsuits by animal rights extremists and trial lawyers. The language used in Measure 97 includes squeeze chutes and head gates. These things are used every day on the ranch for life-saving treatment of cattle, sheep and horses. Yet anyone operating one under Measure 97 could be sued.

**PLEASE VOTE NO ON MEASURE 97**

*(This information furnished by Larry George, Oregon Family Farm PAC, Oregonians in Action.)*

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# Measure No. 97 Arguments

## ARGUMENT IN OPPOSITION

### **Measure 97 threatens sustainable forests**

Field foresters, forest economists and wildlife biologists of the Oregon Forest Industries Council evaluated the potential impacts of Measure 97. This study of Measure 97 revealed serious flaws in the measure's language and potential impacts that hurt reforestation efforts.

- **Current animal damage control programs would be banned**

The breadth of the measure's language would stop current trapping methods for mountain beaver, also known as "boomers." These rodents, unrelated to river beaver, destroy seedling trees by eating their roots.

- **Permit process would cause delays in responding to animal damage**

The amount of damage being incurred during a permit process by the government is expected to be extreme. Damage must be proven before a permit is issued and re-applications for new permits every 30 days will prove burdensome.

- **Alternative methods are expected to increase costs by 720%**

These methods include tubing to protect seedlings, feeding programs to deter animals from feeding on or damaging trees, and a more labor intensive hunting programs. The effectiveness of these programs is uncertain.

- **A dramatic increase in animal population**

Estimating animal population growth is difficult, but it is reasonable to expect a significant increase without current programs. This increase coupled with the loss of control methods would have devastating effect on our ability to maintain viable and future healthy forests.

- **Non-compliance with Oregon Forest Practices Act**

The Oregon Forest Practices Act requires maintenance of roads and forestlands for healthy rivers and streams. While a landowner is proving damage to receive a permit, as required by this measure, that landowner could fall out of compliance with other regulatory requirements such as the Forest Practices Act. A classic catch-22: fulfilling the requirements of one law violates another.

**Measure 97 threatens our ability to successfully replant Oregon's forests and should be defeated.**

*(This information furnished by Mike Dykzeul, Oregon Forest Industries Council.)*

*(This space purchased for \$500 in accordance with ORS 251.255.)*

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## ARGUMENT IN OPPOSITION

"Outsiders can take credit for placing an animal trapping ban on Oregon's November ballot"  
Associated Press - August 22, 2000

### **Oregonians will take credit for defeating Measure 97**

**Oregon Farm Bureau**

**Oregon Cattlemen's Association**

**Oregon Sheep Growers Association**

**Oregon Association of Nurserymen**

**Oregon Women for Agriculture**

**Oregonians for Food & Shelter**

**Oregon Cranberry Farmers' Alliance**

**Oregon Dairy Farmers**

**Oregon Seed Growers**

**Agricultural Cooperative Council of Oregon**

**AG-PAC**

**Association of Oregon Counties**

**Oregon Golf Course Owners Association**

**Oregon Forest Industries Council**

**Oregon Forest Protection Association**

**Oregon State Grange**

**Oregon Hunters Association**

**Oregon Guides & Packers Association**

**Oregon Fur Takers**

**Oregon Safari Club**

**Oregon Sportsman's Defense Fund**

**And many more...**

**Please Join**

**OREGONIANS FOR RESPONSIBLE WILDLIFE MANAGEMENT**

**And Vote NO on 97!**

*(This information furnished by Paul Phillips, Oregonians for Responsible Wildlife Management.)*

*(This space purchased for \$500 in accordance with ORS 251.255.)*

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# Measure No. 98

Proposed by initiative petition to be voted on at the General Election, November 7, 2000.

## BALLOT TITLE

### **98 AMENDS CONSTITUTION: PROHIBITS USING PUBLIC RESOURCES FOR POLITICAL PURPOSES; LIMITS PAYROLL DEDUCTIONS**

**RESULT OF "YES" VOTE:** "Yes" vote prohibits using public resources to collect or help collect political funds

**RESULT OF "NO" VOTE:** "No" vote rejects prohibition on using public resources to collect or help collect political funds

**SUMMARY:** Amends Constitution. Prohibits using "public funds" to collect, assist collecting "political funds." "Public funds" defined to include public buildings, employee time, equipment and supplies; excludes voter pamphlet statement fees. "Political funds" defined to include expenditures for lobbying, supporting or opposing candidate, ballot measure or initiative petition. Prohibition applies even if public entity reimbursed for using public funds. Would prohibit public employee payroll deduction for union or any other entity using deduction for political purposes or commingling political, non-political funds. Requires monetary penalty for violation.

**ESTIMATE OF FINANCIAL IMPACT:** This measure is estimated to reduce state expenditures for voters' pamphlet publication by \$2,400,000 in even numbered years. State revenues from filing fees are estimated to decrease by \$464,000 in even numbered years.

Local government expenditures for voters' pamphlet publication are estimated to decrease by \$434,000 in even numbered years.

These reductions result from eliminating candidates' statements and arguments in state and local voters' pamphlets.

## TEXT OF MEASURE

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OREGON:

The Constitution of the State of Oregon is amended by adding the following section to Article XV, which section shall be appropriately numbered and shall read:

Section 10 (1) No public funds shall be spent to collect or assist in the collection of political funds.

(2) For purposes of this section, money shall be deemed to be "political funds" if any portion of the money, including in-kind and pass-through contributions, is contributed to a candidate or political committee or party, or spent lobbying an elected official, or is spent, including independent expenditures, supporting or opposing a candidate for public office or a ballot measure, including efforts to collect signatures to place a measure on the ballot, and any efforts, including but not limited to direct mail and media campaigns, to solicit signatures for initiative petitions or to discourage electors from signing initiative petitions.

(3) For purposes of this section, public funds shall include public employee time on the job, public buildings, and public equipment and supplies; but shall not include the fee charged by the Secretary of State or a county elections division for placing a paid statement in an official Voters Pamphlet.

(4) Public entities are prohibited from providing a service prohibited by this section even if reimbursed for the cost of doing so.

(5) No public entity shall collect or assist in the collection of funds for any purpose for a person or organization, if, after the effective date of this Amendment, the person or organization has: (i) used for political purposes any of the funds collected for it by a public entity after the effective date of this Amendment, or (ii) commingled non-political funds collected by a public entity after the effective date of this Amendment with political funds.

(6) The state legislative assembly shall establish a financial penalty for persons and organizations which use for a political purpose money collected for them by a public entity. The penalty shall be not less than double the amount of money contributed to or spent for a political purpose.

(7) If any phrase, clause, or part of this section is found to be unconstitutional by a court of competent jurisdiction, the remaining phrases, clauses, and parts shall remain in full force and effect.

# Measure No. 98

## EXPLANATORY STATEMENT

Ballot Measure 98 adds a new section to the Oregon Constitution that prohibits anyone from using public resources to collect or help collect political funds. Public resources that cannot be used to collect political funds include public moneys, public employee time, public buildings and public equipment and supplies.

The political funds that a person cannot collect by using public resources include money contributed to candidates, political committees or political parties, money spent lobbying an elected official and money spent supporting or opposing a candidate, ballot measure or initiative petition. This prohibition applies if any portion of the money collected with the assistance of public funds is passed through to another organization that, in turn, uses any portion of the money for a political purpose. Political funds do not include the fee charged by the Secretary of State or a county for placing a paid statement in an official voters' pamphlet, however, public resources are used to produce the voters' pamphlet.

A public entity is prohibited from using its resources to collect political funds even if the public entity is reimbursed for those resources.

Any person or organization violating this measure by using funds (collected with the assistance of public resources) for a political purpose, or by co-mingling those nonpolitical funds with political funds, shall lose the right to have money collected for it for any purpose by any Oregon public entity.

This measure directs the Oregon Legislative Assembly to establish a financial penalty for persons and organizations that violate this measure. The penalty must be not less than double the amount illegally contributed or spent for a political purpose.

This measure prohibits several activities currently allowed under Oregon law. For example, under this measure it would be illegal:

- (1) For public entities to collect political funds for public employee unions by means of payroll deduction.
- (2) To implement a public employee's request to deduct part of the employee's wages and transfer that deducted money to an organization that uses all or part of that money to lobby elected officials or to support or oppose candidates, political parties, initiatives or ballot measures.
- (3) For any organization that receives money from public employees through payroll deductions or electronic transfers to use any portion of the money to lobby an elected official or to support or oppose candidates or ballot measures. Organizations that use payroll deduction include charities, insurance companies and financial institutions.
- (4) For individuals and organizations that are involved in political activities, such as lobbying or supporting or opposing ballot measures or candidates, to use public buildings for meetings or other activities, if the individual or organization will seek or accept political contributions on the public property.

**Committee Members:**

Becky Miller  
 Bill Sizemore  
 Roger Gray  
 Margaret Olney  
 Cecil Tibbetts

**Appointed by:**

Chief Petitioners  
 Chief Petitioners  
 Secretary of State  
 Secretary of State  
 Members of the Committee

*(This committee was appointed to provide an impartial explanation of the ballot measure pursuant to ORS 251.215.)*

86

# Measure No. 98 Arguments

## ARGUMENT IN FAVOR

### **MEASURE 98 IS FAIR TO EVERYONE** **MEASURE 98 GETS GOVERNMENT OUT OF THE** **BUSINESS OF COLLECTING POLITICAL FUNDS**

Under current law, publicly owned buildings, computers, and supplies are being used to help collect millions of dollars in political campaign funds for certain political groups.

Currently, some public employees are even required, as part of their official, taxpayer funded jobs, to collect campaign money for groups that run huge, multi-million dollar political campaigns. These employee are actually spending time on the clock, at taxpayer expense, collecting political campaign funds.

This is an outrageous abuse of taxpayer dollars. It is an affront to every hardworking taxpayer, who's tax dollars should be used to pay only for legitimate functions of government. Collecting political funds is clearly not a legitimate function of government.

Measure 98 prohibits the use of our tax dollars or any other public resource to collect political funds. It does so in a fair and even-handed way.

Measure 98 treats Republicans, Democrats, Independents and other political parties all the same. It applies equally to liberals, moderates, and conservatives. It treats corporations the same as unions. Under Measure 98, no matter what your political stripe, taxpayer dollars and other public resources could not be used to collect your political campaign funds.

The status quo, on the other hand, is not fair. Currently, the only groups for which government collects large amounts of political money are those groups that campaign for higher taxes.

It is a conflict of interest for government to use taxpayer resources to help the campaigns of those groups that support higher taxes. Measure 98 would make this practice illegal.

Under Measure 98, all political organizations would have to collect their own political funds, which of course is as it should be.

Let's pass Measure 98 and get government out of the business of collecting political campaign funds. Let's insure that elections are fair and government is always a neutral party by passing Measure 98.

*(This information furnished by Bill Sizemore, Oregon Taxpayers United.)*

*(This space purchased for \$500 in accordance with ORS 251.255.)*

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## ARGUMENT IN FAVOR

### **Stop using tax dollars to collect political funds**

Who do you suppose are the top contributors to the election campaigns of those politicians who want to increase taxes and expand the size of government?

When a measure to increase taxes appears on the ballot, who spends the most money trying to pass it?

When a ballot measure would reduce taxes, who spends the most money trying to defeat the measure?

**The answer to all three questions is the same: Public employee unions.**

Public employee unions spend millions of dollars every election cycle trying to elect politicians who will expand government and increase taxes because that's good for them. The more money the rest of us pay in taxes, the more money government has available for hiring public employees. More public employees means more union dues for their unions. That's why increasing taxes is a top priority of public employee unions.

But the victims of this cycle are the taxpayers. Their tax dollars are being used to collect political campaign funds for those whose primary goal is to increase taxes.

Why do the public employee unions have what seems like an endless supply of political campaign funds? Because they have an advantage no one else has. **Government collects their campaign funds for them by taking political contributions out of public employee' paychecks before the employees even see a dime of their own money.** (And they don't even have to have the employee's permission.)

Of course, public employees have as much right to contribute to political campaigns as anyone else. And under Measure 98, public employees will still be free to contribute to any cause they personally believe in by simply writing out a check; just like everyone else does.

Measure 98 applies equally to everyone. It doesn't favor Democrats, Republicans, Independents, liberals or conservatives. **Under Measure 98, government simply will not collect political campaign funds for anyone. Period.**

That's the way it should be.

*(This information furnished by Bill Sizemore, Oregon Taxpayers United.)*

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# Measure No. 98 Arguments

## ARGUMENT IN FAVOR

### IT IS ALL ABOUT FREE POLITICAL SPEECH

The unions say Measure 98 will take away public employees' rights to contribute to their unions' political activities and thus limit their political speech.

But that's just not true.

Measure 98 says public employee unions will no longer be able to collect political funds by deducting them from workers' paychecks. **But it doesn't stop workers from voluntarily contributing as much as they want to their union's political activities** by writing out a check or signing up for automatic checking account withdrawals.

The public employee unions know this. But they are pointing their finger at Measure 98 because they don't want you to know that they are the ones who are actually taking away the free speech of public sector workers.

**They know that everywhere else this type of measure has been enacted, union members have exercised their freedom by not contributing to the union's political activities.** The workers are in the union to collectively bargain with their employer, not to be a political action committee (PAC).

The union bosses know that, given the choice, the workers won't give them their money for politics.

Here's just one example. In 1998, 72% of Washington voters approved a measure to do pretty much the same thing as Measure 98. Within months, the number of teachers willing to finance their union's political agenda dropped from 45,000 (when forced to contribute) to 8,000. State worker support for the union's political activities dropped from over 40,000 forced contributors to a mere 82.

That's right. 82.

Similar results have occurred elsewhere.

The point is, Measure 98 won't take away public workers' rights. It will give them back. **Measure 98 will make sure that every political contribution a public sector worker makes to his or her union will be freely given.**

Please vote YES on Measure 98.

*(This information furnished by Becky Miller, Oregon Taxpayers United.)*

*(This space purchased for \$500 in accordance with ORS 251.255.)*

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## ARGUMENT IN OPPOSITION

### LEAGUE OF WOMEN VOTERS OF OREGON SAYS:

#### OREGONIANS DEFEATED THIS MEASURE TWO YEARS AGO.

#### LET'S DEFEAT IT AGAIN.

In 1998, voters in Oregon said "no" to Measure 59, which is virtually identical to this year's Measure 98. We recommend a "no" vote for the same reasons we did last time:

- **Measure 98 is unfair.** It curtails individual rights by denying some union members the right to choose a payroll deduction to have a political voice like any other citizen. It also takes away a worker's right to choose to participate or not in political education funding.
- **Measure 98 threatens the Voters' Pamphlet.** Today in Oregon, the Voters' Pamphlet is the most important election education tool we have to ensure that every voter has access to all of the information and arguments needed to make an informed choice. If Measure 98 passes, according to legal interpretation, the pamphlet you are reading right now would contain no election information, no arguments for and against issues, and no explanation of what a measure's consequences might be. The use of public funds for printing this publication would be prohibited by 98.
- **Oregon voters defeated this unnecessary and unfair measure in 1998.** The League of Women Voters of Oregon strongly recommends voting "no" on Measure 98.

**It's still unnecessary, and it's still unfair.**  
**Please vote "no" on 98.**

### LEAGUE OF WOMEN VOTERS OF OREGON

*(This information furnished by Paula D. Krane, President, League of Women Voters of Oregon.)*

*(This space purchased for \$500 in accordance with ORS 251.255.)*

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# Measure No. 98 Arguments

## ARGUMENT IN OPPOSITION

**Measure 98 is about shutting people out of democracy. Oregon Action urges you to vote NO on 98.**

Bill Sizemore wants Oregonians to think this is about campaign finance reform. OA has worked on campaign finance reform long enough to know that **Measure 98 is phony reform.**

**Real campaign finance reform encourages citizen participation.** Measure 98 discourages participation. It's undemocratic. It's unfair. It's wrong. It's phony.

**Measure 98 will gut the Voters' Pamphlet.** Oregon Action cannot afford TV or radio time to talk about the issues that matter to our members, but we can afford the \$500 for this space. If not, we could gather 1000 signatures. If you wanted to say something about the election, you could do the same thing. But Measure 98 wants to shut you and us out, leaving the political debate to those who can buy time on TV and the radio.

**Measure 98 shuts out small donors, but doesn't do anything about big money.** In 1999, OA released the *Undermining Democracy* report that looked at campaign contributions in Oregon. In the report, we compared some of the top 10 PACs in the state. In 1998, the Oregon Victory PAC got one hundred percent of their contributions from 39 individuals or corporations who gave \$1000 or more. More than two-thirds came from those who gave \$10,000 or more. In contrast, one hundred percent of the contributors to the public employees' PAC gave between \$1 and \$100. Measure 98 denies participation in our democracy to the public employees' PAC that represent small contributors and does nothing about the big money PAC.

**Measure 98 endangers the chance for real reform.** Measure 98 is so broad and so poorly written no one knows for sure whether it will allow real campaign finance reform such as Measure 6 to be enacted. Legal opinions differ. Don't give politicians an excuse to derail real reform. **Vote NO on Measure 98.**

**Oregon Action is online at [www.oregonaction.org](http://www.oregonaction.org).**

*(This information furnished by RuthAlice Anderson, Oregon Action.)*

*(This space purchased for \$500 in accordance with ORS 251.255.)*

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## ARGUMENT IN OPPOSITION

**OREGON PTA SAYS:**

**MEASURE 98 IS A DIRECT ATTACK ON YOUR NEIGHBORHOOD PTA!**

If this amendment passes, PTAs would no longer be able to educate our members on potential legislation or measures that may negatively or positively affect their children. We would no longer be able to write a letter to our state or federal representatives or senators telling them about an urgent need that Oregon's children might have.

Why would these amendments affect us? Because PTAs (Parent Teacher Associations) all use "public resources for political purposes" when we use our school buildings. We all collect dues or raise funds in these public facilities, and a part of these funds goes toward our child advocacy efforts. This activity is strictly forbidden by amendment 98.

The Oregon PTA works hard every legislative session to ensure that the budget gives adequate funds to schools, to child health care, and to services for children with special needs. Over the past 104 years, the PTA has been instrumental in:

- Promoting parent involvement in schools
- Securing child labor laws
- Promoting school safety
- Supporting compulsory public education
- Promoting education for children with special needs
- Establishing a juvenile justice system
- Implementing a nation-wide school lunch program

If this amendment passes, Oregon's children will lose one of the strongest voices they have: The voice of PTAs across this state, representing more than 27,000 concerned parents, grandparents, community members, teachers, and all children.

**VOTE TO SUPPORT THE WORK THAT PTA DOES FOR THE CHILDREN OF OREGON**

**VOTE NO ON AMENDMENT 98!**

Kathryn Firestone, President  
Lisa Laursen Thirkill, Vice President for Legislation  
The Oregon PTA

*(This information furnished by Kathryn Firestone, President, Lisa Laursen Thirkill, VP for Legislation; The Oregon PTA (Oregon Congress of Parents and Teachers).)*

*(This space purchased for \$500 in accordance with ORS 251.255.)*

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# Measure No. 98 Arguments

## ARGUMENT IN OPPOSITION

### Don't let 98 and 92 interfere with the Firefighter-MDA partnership

Fires aren't the only thing firefighters take on every day. We also partner with the Muscular Dystrophy Association to combat neuromuscular diseases that affect millions of Americans.

We work hard for our money. And it feels good to know that our voluntary contributions help families dealing with muscular dystrophy. But amendments 98 and 92 could end our partnership with MDA.

Through our paychecks every month, we make contributions that pay for things like research, physical therapy, support groups for families and even summer camp for kids. This partnership has been going strong since 1954.

Amendment 98 would bar us from making our monthly contributions to MDA. Why? Because like many charities, MDA works to pass legislation that would help its members. For example, MDA has succeeded in getting better long-term health care and better access in public facilities for people who use wheelchairs. But amendment 98 strictly forbids us from contributing to any group's political activities — even MDA's efforts to improve the lives of the disabled.

**Please vote "no" on amendments 98 and 92.**

**They take choices away from firefighters.**

**They take money away from people who need it.**

**They don't belong in Oregon's Constitution.**

Signed,

**Bob Livingston**

Oregon State Fire Fighters Council

**Steven Kenney**

Muscular Dystrophy Association

*(This information furnished by Steve Kenney, Regional Director Muscular Dystrophy Association; Bob Livingston, Oregon State Firefighters Council.)*

*(This space purchased for \$500 in accordance with ORS 251.255.)*

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## ARGUMENT IN OPPOSITION

### Measure 98 hurts programs that help seniors

Measure 98 hurts programs that help seniors, and it deserves no place in Oregon's Constitution.

**Measure 98 will hurt charities that help seniors and other people.** Every pay period, thousands of working Oregonians voluntarily donate money to hospice programs, Red Cross, and other charities that help seniors. Amendment 98 takes this right away from one group: Public employees. These are our firefighters, teachers and nurses. This measure would unnecessarily single them out and put millions of dollars at risk at the same time.

If this measure passes, charities like senior meal programs that receive donations through payroll deductions would have to make a choice: Either stop advocating for us when good or bad legislation comes up, or stop accepting any donations from teachers, nurses and other public employees who have been contributing through payroll deduction for years.

**These non-profit groups would be severely punished if they mistakenly spent any of their payroll-deducted funds on political work.**

Where will people go if they can't go to a charity for help? To public assistance. Our state budget has enough problems already.

Stand up for seniors and other groups who benefit from charitable contributions. Please join us in opposing Measure 98.

Signed,

Oregon State Council of Senior Citizens

United Seniors of Oregon

Gray Panthers of Oregon

Advocacy Coalition for Seniors and People with Disabilities

*(This information furnished by Jim Davis, Oregon State Council of Senior Citizens, United Seniors of Oregon, Gray Panthers of Oregon, Advocacy Coalition for Seniors & People with Disabilities.)*

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# Measure No. 98 Arguments

## ARGUMENT IN OPPOSITION

### STATE TREASURER JIM HILL URGES A "NO" VOTE ON 98

Oregon has a rich history of diverse and progressive politics. We take pride in the high level of participation in which our citizens involve themselves in our state and local governments. **Measure 98 is a mean-spirited attempt to silence the voices of one group of Oregonians.**

Our public servants, the men and women targeted by Measure 98, are under unfair attack. These are our children's teachers, our neighborhood police and firefighters, and our nurses and health-care providers. **Measure 98 aims to keep these valuable Oregonians out of the political process by making it difficult for them to participate.**

Oregon's Voters' Pamphlet is a unique and valuable tool for voters to read about the candidates and the issues they will decide. I urge you to read the fiscal impact statement for Measure 98, which clearly reflects the loss of this important information. A portion of it is funded by the various candidates and political committees who pay to submit information that is mailed to every registered voter in the state. Another portion is paid by a fund that would be restricted by this measure. As responsible voters, we should be wary of any attempt to keep information from helping us make well-informed decisions. **Measure 98 is an attack on Oregonians' ability to educate themselves about their government and their vote. It will gut our Voters' Pamphlet.**

This dangerous measure would also make it tougher for public employees to use payroll deduction to contribute to the charity of their choice. Oregon has a vital network of private charities that serve our state's most vulnerable citizens. **Measure 98 would take money away from Oregon's valuable private charities.**

**The individuals who crafted Measure 98 are trying to pull the wool over the eyes of Oregon voters. Don't be fooled. Please join me in voting NO on Measure 98!**

**Jim Hill**  
Oregon State Treasurer

*(This information furnished by Jim Hill, Oregon State Treasurer.)*

*(This space purchased for \$500 in accordance with ORS 251.255.)*

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## ARGUMENT IN OPPOSITION

### Oregon Secretary of State says, "Vote 'no' on 98 to save the Voters' Pamphlet"

As the Secretary of State, I respectfully ask you to vote "no" on Measure 98, and preserve the very Voters' Pamphlet you are reading right now.

#### How would 98 affect the Voters' Pamphlet?

Measure 98 would forbid the use of public funds to pay for printing and distributing the state's voter pamphlet. If Measure 98 passes, this could be the last Voters' Pamphlet as we know it.

Here's how: Everyone who submits a statement pays a fee to the state. These fees, along with public funds, pay for a copy to be delivered free to every registered voter in Oregon.

Oregonians then get to read where candidates stand on the issues they care about. They also read arguments for and against ballot measures, so they can understand the consequences before they vote.

#### Doesn't Measure 98 exclude the Voters' Pamphlet?

Even though the amendment has language that says voters' pamphlet fees would be allowed under the law, the experts who drafted the fiscal impact statement concluded that candidates' statements and arguments would be eliminated. That is because part of the printing and mailing cost would be covered by "public funds" — an act that would be forbidden by amendment 98.

#### How do I know Measure 98 will really gut the Voters' Pamphlet?

See the Financial Impact Statement for yourself at the beginning of this section. The unbiased team of experts who analyzed the measure and wrote the statement concluded the state would save little by not printing the information we rely on in the Voters' Pamphlet - but really we will all lose a lot.

**Please vote no on Measure 98 -- the voters' pamphlet is too important to lose.**

**Bill Bradbury**  
Secretary of State

*(This information furnished by Bill Bradbury, Secretary of State, Oregon Secretary of State's Office.)*

*(This space purchased for \$500 in accordance with ORS 251.255.)*

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# Measure No. 98 Arguments

## ARGUMENT IN OPPOSITION

### UNITED WAY URGES A "NO" VOTE ON 98: IT WILL HURT OREGONIANS IN NEED

**Measure 98 is unfair to Oregonians who support charities, and unfair to Oregonians who need the services provided by these charities. It will end charitable contributions to many groups that help Oregonians.**

The United Way is Oregon's largest human services fundraising organization. Our agencies help seniors, children, disabled citizens, and many other Oregonians with special needs. Because many of the non-profit agencies that receive funding from us inform the legislature on matters that affect the people we serve, our work and theirs is considered "political" and would be seriously impacted by amendment 98.

**Amendment 98 would prohibit public employees from making voluntary payroll donations to the United Way in the same way they have for years. Since payroll deduction programs are the mainstay for United Way fundraising, this could result in millions of dollars in losses to programs like hospice care, The Salvation Army, The American Red Cross, and The YMCA/YWCA.**

Due to the elimination of the payroll deduction option and the high cost of complying with amendment 98, United Way will have less funding to support necessary programs for seniors, low-income and disabled Oregonians. These deserving people will have nowhere to turn to but public support. That could mean a greater need for tax-supported programs.

Please vote "no" on 98 and keep the path open for charitable workplace giving.

Signed,  
**Members of the Board of Directors, and Staff  
The United Way of the Mid-Willamette Valley**

- Russell Beck, Executive Director
- Robert Ruck, Chair of the Board
- Gregory Astley
- Randall Franke
- George Gent
- Tom Golden
- Carolyn Gorsuch
- Judy Grant
- Delilah Ginther
- Stacy Hartline
- George Jennings
- Paul Krissel
- Jennifer Larsen Morrow
- Keeta Lauderdale
- Kay Marikos
- Ed Martin
- Raquel Moore-Green
- Don Myers
- Lee Pelton
- Bruce Rogers
- Ted Stang
- Betty J. Youngblood

*(This information furnished by Paul Krissel, Member of the Board.)*

*(This space purchased for \$500 in accordance with ORS 251.255.)*

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## ARGUMENT IN OPPOSITION

### GOVERNOR KITZHABER URGES YOU TO VOTE "NO" ON AMENDMENT 98

As an Oregonian, I know the importance our citizens place on making the right choices for Oregon's future. In any election, we may not all agree on the issues, but we want the right to make an informed, fair decision. That's why I'm asking you to join me in voting "no" on Amendment 98.

**Amendment 98 is unfair.** It denies some of our friends and neighbors who are union members the right to choose a voluntary dues deduction to have a political voice like any other citizen. These are the men and women of Oregon who are firefighters, police officers, nurses and teachers. They save lives and educate our children.

**Amendment 98 is unnecessary.** Right now in Oregon, no worker can be forced to contribute to their union's or anyone else's political fund. Legal protections already allow workers to "opt out" of union political contributions, and many Oregonians already choose to "opt out." Amendment 98 doesn't protect these workers. It takes away their right to choose for themselves.

**Amendment 98 is underhanded.** Its sponsors call it "paycheck protection," but it is actually an attack on public employees. Bill Sizemore's plan to single out public employees is wrong for Oregon. It doesn't belong in the Constitution.

**Amendment 98 threatens the Voters' Pamphlet.** Even though Sizemore tried to reduce amendment 98's impact on the Voters' Pamphlet, legal experts say he failed. See the Financial Impact Statement and the Explanatory Statement in the front of this section. Both clearly show that the Voters' Pamphlet as we know it could cease to exist — it could include no arguments for and against candidates and causes, and no explanation of what a measure's unintended consequences might be. We need to protect the Voters' Pamphlet, one of the best sources of information for Oregon's citizens.

**PROTECT OREGON'S WORKERS  
AND THE VOTERS' PAMPHLET  
VOTE "NO" ON AMENDMENT 98  
Governor John A. Kitzhaber, M.D.**

*(This information furnished by John A. Kitzhaber, M.D., Governor of Oregon.)*

*(This space purchased for \$500 in accordance with ORS 251.255.)*

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# Measure No. 98 Arguments

## ARGUMENT IN OPPOSITION

**"I can make 50 phone calls and raise quite a lot of money very quickly."**

-- Bill Sizemore, Sponsor of Measures 98 and 92  
Quoted in *The Oregonian*, May 17, 1997

Our constitution should embody the highest principles of good government. These principals should be fair and apply equally to all citizens. Measures 98 and 92 are not fair, and do not apply equally to all citizens. They are meant to eliminate the voices of working people from participating in the political process.

Consider this.

- Some sponsors of measures can raise money to further their political agenda with a few phone calls to big contributors. Working people of more modest means must pool their resources in small amounts in order to be heard above the clamor of corporate and moneyed interests.
- Working people use payroll deductions for personal banking, making charitable contributions and to support their unions and professional associations. The Sizemore measures 98 and 92 are meant to eliminate these options.
- Measures 98 and 92, by attacking the use of payroll deductions, attempt to still the voices of employees, while they do nothing about the free flow of checks, cash and gifts that come from wealthy contributors and corporations.

These attempts to restrict participation of working Oregonians in the political process of their state is a betrayal of the initiative system which was established to broaden participation in government. This repeated attempt to restrict the collective voice of working people, while leaving unaffected the major sources of big money contributors, should be rejected by voters.

**Don't Let Our Constitution Be Used for Unfair Politics**

**Vote "No" on Measures 98 and 92.**

**Lawrence Perry, President**  
Oregon Common Cause

*(This information furnished by Larry Perry, Chair, Oregon Common Cause.)*

*(This space purchased for \$500 in accordance with ORS 251.255.)*

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## ARGUMENT IN OPPOSITION

**NURSES URGE "NO" VOTES ON CONSTITUTIONAL AMENDMENTS 98 AND 92**

**As Registered Nurses, we care about what happens to our patients and the care they receive.** When legislation comes up that affects our patients' care and rights, we use the small political contributions voluntarily deducted from our paychecks as a resource to ensure that patient care wins out over the interests of pharmaceutical companies, HMO's and tobacco companies.

**Silencing nurses' voices for quality care.**

Constitutional amendments 98 & 92 would restrict our ability to have voluntary political contributions deducted from our paychecks. That would make it very difficult for our professional association – the Oregon Nurses Association – to have a voice in the policies that shape health care for all Oregonians.

**These measures do not address the real problem.**

Pharmaceutical companies, HMO's, and tobacco companies will not be affected by these measures. They will still have the right to spend millions of dollars to influence our legislators. In fact, by silencing nurses, the business of health care will have more influence on the quality of care you receive.

**98 and 92 are unfair and unnecessary.**

Nurses have been voluntarily making contributions through our paychecks for years. This money is used to protect nurses' rights, patients' rights, and to support charitable organizations like the Mid-Valley Women's Crisis Service. Any member of the Nurses' Association can choose not to participate. Please vote no on 98 & 92 to safeguard our freedom to participate.

**Please vote no on 98 & 92**

**Galen Thompson, RN, Pendleton**  
**Demetra Apperson, RN, The Dalles**  
**Maye Thompson, RN, PhD, Portland**  
**Patricia DeShazer, RN, Lakeview**  
**Debra Cassell, RN, Albany**  
**Chris O'Neill, RN, Eugene**  
**Susan Aronson, RN, Corvallis**  
**Gayle Lewis, NP, Jacksonville**  
**Terri Hansen, RN, Medford**  
**Jean DeJarnatt, NP, Salem**  
**Barbara Geiszler, RN, Phoenix-Talent**  
**Gail Pray, RN, Coos Bay**

*(This information furnished by Martin Taylor, Nurses Unite.)*

*(This space purchased for \$500 in accordance with ORS 251.255.)*

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# Measure No. 98 Arguments

## ARGUMENT IN OPPOSITION

**We, the undersigned charities, advocates and businesses, urge a "NO" vote on proposed Constitutional amendment 98.**

Charities and businesses often come together to help Oregonians who need assistance. Measure 98 would take away a choice from working Oregonians and hurt the thousands of Oregonians who receive assistance and support from work-place giving programs.

**CHARITIES/ADVOCATES:**

- Advocacy Coalition for Seniors and People with Disabilities
- American Association of University Women of Oregon
- American Civil Liberties Union
- Canyon Crisis Center
- Children First for Oregon
- Ecumenical Ministries of Oregon
- House of Zion Ministries, Inc.
- Human Services Coalition of Oregon
- League of Women Voters of Oregon
- Mid-Valley Women's Crisis Service
- Muscular Dystrophy Association, Inc.
- National Committee for Responsive Philanthropy
- Oregon Alliance of Children's Programs
- Oregon State Council of Senior Citizens
- Oregonians for Public Safety
- Portland Gray Panthers
- Salem Childbirth Education Association
- United Seniors of Oregon
- United Way of the Mid-Willamette Valley
- United Way of Columbia County
- Willamette Valley Child Care Federation

**BUSINESSES:**

- Associated Business Systems
- B'For Publishing Services
- B.D. Consulting, Inc.
- Bennett, Hartman & Reynolds Attorneys at Law
- Brices Catering
- C & E Systems, LLC
- Celilo Group
- Charles R. Williamson, Attorney, Kell Alterman & Runstein, LLP
- Clackamas County Veterinary Clinic
- Discover Mortgage-North Greeley Branch
- FamilyCare, Inc.
- Labor's Community Service Agency, Inc.
- LGD Insight, Ltd.
- Mark E. Horstmann, CPA
- Microtech Systems
- Pac/West Communications
- Portland Teachers Credit Union
- Smith, Gamson, Diamond & Olney Attorneys at Law
- The Bentley Gilbert Firm
- Three Rivers Farm
- Unions-America.com
- Wiser & Associates

**BUSINESS ASSOCIATIONS:**

- National Electrical Contractors Association (NECA), Oregon-Columbia Chapter
- Oregon Association of Hospitals and Health Systems
- Oregon Credit Union League
- Osteopathic Physicians and Surgeons of Oregon

*(This information furnished by Mike Fahey, President, Discover NW Union Mortgage; Gina Mattioda, Co-Chair, Human Services Coalition of Oregon.)*

*(This space purchased for \$500 in accordance with ORS 251.255.)*

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## ARGUMENT IN OPPOSITION

**Measure 98 is Unnecessary:  
I've already "opted out."**

I have exercised my right to "opt out" of contributing to my union's political fund, without any hassle whatsoever. Measure 98 would not protect my right to "opt out," but it would take away my right and the right of my co-workers to "opt in" and participate in politics like anyone else. That's not fair to me or to any other Oregon worker who would be excluded by this measure.

Choice is one of the fundamental rights of all Oregonians and the backers of Measure 98 want to take that away from me. Currently, I have the choice of whether I want to participate in the process. Don't let the backers of Measure 98 take that choice away from me.

No employee can be forced to contribute to a union's political campaign. It's a right upheld by the U.S. Supreme Court. It's even listed in the Official Ballot Title Summary and in the Explanatory Statement that Bill Sizemore signed off on. The law says my job is secure regardless of whether I contribute. I have seen firsthand that it's true.

**Please vote "no" on 98.**

**It doesn't give me rights. It takes my rights away.**

Sincerely,  
Danielle Fischer

*(This information furnished by Danielle Fischer.)*

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# Measure No. 98 Arguments

## ARGUMENT IN OPPOSITION

### A Message from Working Oregonians

Bill Sizemore, the sponsor of Measures 98 and 92, is singling out payroll deduction because he knows we have to put our smaller contributions together in order to be heard in the political arena.

**Sizemore's supporters can write \$50,000 checks to his campaigns, while most of us can only contribute a little at a time. Payroll deduction helps up pool our funds. Take that away, and you take away our right to be heard.**

Sizemore says these measures will protect us, but we are already protected from having to make political contributions. Many of us already exercise that right. In fact, Sizemore knows we are already protected. He signed an official Explanatory Statement in this very Voters' Pamphlet that says, "Under current law... Neither unions nor any other organization can require political contributions." (Measure 92 Explanatory Statement, second paragraph).

The real aim of this measure is to take away the rights of working Oregonians.

**Please join us in rejecting these unfair and unnecessary constitutional amendments.**

**Vote No on Measures 98 and 92.**

Sally Tulley, Registered Nurse, Oregon Federation of Nurses, AFT 5017, Oregon City  
John Cornelius, Flight Attendant, Flight Attendants 39, Portland  
Lee Lasse, Tire and Wheel Specialist, Transit Union 757, Springfield  
Charles Calkins, Environmental Specialist, State, County and Municipal Employees 3336, Bend  
Maggie Robb, Lead Sanitation Technician, Bakers and Grain Millers 114, Tualatin  
Jim Stith, County Equipment Operator, Oregon Public Employees, SEIU 503, Medford  
James Neal, Road Maintenance Worker, Communications Workers 7955, Seal Rock  
Cindy Van Ortwick, School Custodian, Service Employees 140, Portland  
James Sullivan, Gas Corrosion Technician, Office Professional Employees 11, Gates  
Sheirll Edwards, Grocery Checker, Food and Commercial Workers 555, Roseburg  
Kevin Jackson, Correction's Sergeant, State, County and Municipal Employees 3940, Ontario  
Tom Weaver, School Maintenance Worker, Classified Employees, AFT 3662, Scappoose  
Terri Wilson, Cold Mill Operator, Steelworkers 6163, Albany

*(This information furnished by Tim Nesbitt, Oregon AFL-CIO Committee on Political Education.)*

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## ARGUMENT IN OPPOSITION

**Democrats say "no" to 98 and 92.**

Proposed Constitutional Amendments 98 & 92 are unnecessary and unfair. Measure 98, in particular, singles out one group and puts the Voters' Pamphlet at risk. The Constitution is no place for this kind of law.

These two measures are so poorly written, vague and far reaching that common ground is shared by a wide political spectrum. See for yourself the list of endorsers calling for a "no" vote: It includes Democrats, Republicans, environmental groups, seniors groups, businesses and unions. Here's why:

- Measures 98 and 92 would dramatically alter the landscape of Oregon's political debate by excluding one side: working Oregonians like teachers, firefighters and nurses. Everyone has the right to have his or her voice heard.
- 98 and 92 would undermine the work charities do for Oregonians. We all understand the importance of charities and their advocacy in combating hunger and providing hospice care. Creating extensive and unnecessary paperwork means less time to fulfill their mission.
- 98 puts the Voters' Pamphlet at risk. The Financial Impact Statement reflects the major reduction of this pamphlet, one of Oregon's best election resources.

Please vote "no" and keep these unfair and far-reaching amendments out of our Constitution.

**Earl Blumenauer**, U.S. House of Representatives  
**Bill Bradbury**, Secretary of State  
**Kate Brown**, Senate Democratic Leader  
**Tony Corcoran**, State Senator  
**Peter Courtney**, State Senator  
**Peter DeFazio**, U.S. House of Representatives  
**Randall Edwards**, State Representative  
**Dan Gardner**, State Representative  
**Avel Gordly**, Oregon State Senator  
**Gary Hansen**, State Representative  
**Darlene Hooley**, U.S. House of Representatives  
**Elaine Hopson**, State Representative  
**Randy Leonard**, State Representative  
**Kathy Lowe**, State Representative  
**Jeff Merkley**, State Representative  
**Hardy Myers**, Attorney General  
**Barbara Roberts**, Former Oregon Governor  
**Diana Rosenbaum**, State Representative  
**Kurt Schrader**, State Representative  
**Frank Shields**, State Senator  
**Peter Sorenson**, Lane County Commissioner  
**Beverly Stein**, Chair, Multnomah County Board of Commissioners  
**Cliff Trow**, State Senator  
**Vicki Walker**, State Representative  
**David Wu**, U.S. House of Representatives  
**Ron Wyden**, U.S. Senate

*(This information furnished by Barbara Roberts, Former Governor of Oregon.)*

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# Measure No. 98 Arguments

## ARGUMENT IN OPPOSITION

### Republicans Oppose Unnecessary and Unfair Constitutional Amendments

#### “No” on 92 and 98

Some people will be surprised at the strong Republican opposition to these measures. The truth is, the wide variety of opposition to 92 and 98 reflects the far-reaching consequences these proposed Constitutional amendments will have on Oregon.

**92 and 98 are unnecessary and unfair.** These measures are unnecessary because all workers already have the option to not fund their union's political activities. They're unfair because they single out one group and take away their ability to participate in the political process.

**They hurt charitable organizations.** Because many charities speak up on behalf of their members in order to be effective, their work is considered “political” by these measures would be subject to the stringent rules set forth by both amendments. For groups like the United Way and the Muscular Dystrophy Association, that means fewer funds from the generous Oregonians who have been contributing from their own paychecks for years.

If Oregonians with special needs can count less on charities for support, chances are they will need more public services to make up the difference. With our state budget constrained as it is, one wonders where the money would come from to provide these services.

**No matter the politics of working Oregonians, it is not right to unfairly single them out and take away their rights.**

**It's not right to make funds harder to raise for charities like the United Way, Muscular Dystrophy Association, and groups that help senior citizens. These groups provide a valuable public service and need our “no” vote on these measures.**

Join us in voting NO on 98 & 92.

- Jack Roberts, Oregon Labor Commissioner
- Mark Simmons, Majority Leader, Oregon House of Representatives (Elgin)
- Max Williams, State Representative (Tigard)
- Lane Shetterly, State Representative (Dallas)
- Vic Backlund, State Representative (Keizer)
- Tom Butler, State Representative (Ontario)
- Jim Hill, State Representative (Hillsboro)
- Bill Witt, State Representative (Portland)
- Randy Franke, Marion County Commissioner

*(This information furnished by Jack Roberts, Labor Commissioner.)*

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## ARGUMENT IN OPPOSITION

### Measure 98 Unfairly Targets Public Employees

**Measure 98 takes an already unfair proposal and applies it unfairly to one group of citizens – to us, the workers who provide Oregon's public services.**

Like Measure 92, Measure 98 is designed to limit our ability to participate in the political process on matters that affect our lives as workers and citizens. Both measures apply only to payroll deduction, the best way for working people to make our voices heard in the political process. There are no similar restrictions on wealthy citizens or corporations to make their voices heard.

Measure 98 would prohibit organizations that receive our payroll-deducted funds — whether unions, charities or professional associations — from representing our interests and fulfilling the purposes for which we support them. Even writing a letter to a legislator would be banned if supported in any way by payroll-deducted funds.

Worse yet, Measure 98 applies only to us as public employees — further evidence that this constitutional amendment is designed to be unfair.

**We believe it is unfair to single out public employees, to limit our rights as workers or to restrict our voices as citizens. But that is exactly what Measure 98 does.**

**We should have the same rights as other workers to use payroll deductions and to direct our contributions and dues to the organizations of our choice.**

Finally, Measure 98 is unnecessary. All workers — in the public sector, just like the private sector — already have the right to opt out of paying for political expenditures with which we disagree. And thousands in Oregon already do.

**Please join us in rejecting these unfair and unnecessary constitutional amendments. Vote “No” on Measures 92 and 98.**

**Zita Ingham**  
**Professor**  
 American Federation of Teachers, OR 3190  
 Bandon

**Paul Zebell**  
**City Electrician**  
 International Electrical Workers 48  
 Portland

**Michael Brown**  
**Police Officer**  
 State, County and Municipal Employees 1847  
 Portland

**Jo Ann Kuhnhausen**  
**Ranger Aide**  
 Oregon Public Employees, SEIU 503  
 The Dalles

*(This information furnished by Tim Nesbitt, Oregon AFL-CIO Committee on Political Education.)*

*(This space purchased for \$500 in accordance with ORS 251.255.)*

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# Measure No. 98 Arguments

## ARGUMENT IN OPPOSITION

**If you want big money out of politics**

**Vote "Yes" on 6**

**And**

**"NO" on 98**

Organizations including seniors, environmental, labor and consumer groups are working together to take the influence of large money contributions out of Oregon politics. The Oregon Accountability Act – Measure 6 is a large step in that direction. **Measure 98 is not!**

**Measure 6 is an attempt to clean up politics.**

Under Measure 6 a candidate may voluntarily choose to run as a "clean money" candidate by demonstrating enough public support and agreeing to limit spending and reject private contributions.

**Measure 98 could threaten good reform.**

Bill Sizemore, the sponsor of Measure 98, said in an *Oregonian* article, this "proposed constitutional amendment (Measure 98) would trump Measure 6." Measure 98 would forbid the use of public funds to collect money for political purposes. Since taxpayers' money would be used to support a candidate under Measure 6, the implementation of Measure 6 may be threatened.

**Let's not risk the opportunity for fair politics in Oregon.**

**Vote "no" on 98 and "yes" on 6 for real campaign finance reform.**

Signed,

**Maureen Kirk**

**Oregon State Public Interest Research Group**

*(This information furnished by Maureen Kirk, Oregon State Public Interest Research Group (OSPIRG).)*

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## ARGUMENT IN OPPOSITION

**Public Service Workers Say NO to Measure 98**

We are workers who provide public services throughout our state. We are proud of the work we do for you and we are proud union members.

Bill Sizemore's Measures 98 and 92 will hurt rank and file union members. They attack our rights to make small political contributions through payroll deductions. Some people may be able to write checks to candidates or for ballot measures of \$1000, or more. We can not. Only by setting aside a small amount each month are we able to get our story told.

**Measure 98 is UNFAIR and UNBALANCED.**

It unfairly targets middle-class public service workers while leaving corporations and special interests unchecked.

**Measure 98 is UNNECESSARY.**

In our union, members make the rules. We don't need Bill Sizemore to tell us how to operate our union. Many union-represented workers decide not to make political contributions through our union. That's their choice and federal law. The way this measure is written, it would deprive thousands of hard-working Oregonians a public voice.

**Please VOTE NO on 98.**

Ellen Jackson, Office Worker, Klamath Falls  
Glenda Short, Trainer, Eugene  
Charles Spray, Physician, Salem  
Nancy Magill, Case Manager, Portland  
Deborah Dombrowski, Library Worker, Corvallis  
Melody Williamson, Office Worker, Independence  
Bart Lewis, Accounting Technician, Eugene  
Barbara Hopkins, Office Worker, Salem  
Mark Gronso, Electrician, Pendleton  
Monty Walters, Mental Health Specialist, Ashland  
Gwelda Shepardson, Case Manager, Roseburg  
Karen Cummins, Child Protective Services, Coos Bay  
Rosalie Pedroza, Oregon Health Plan, Salem  
Sue Martinez, Cook, Eugene  
Randy Davis, Maintenance Worker, Clatskanie  
Alice Grimes, Retired Library Worker, Medford  
Larry Williams, Apprenticeship Representative, Springfield  
Rosanne Richard, Project Coordinator, Salem  
Kym Lamb, Case Manager, Portland  
John Ekberg, Natural Resource Specialist, Corbett  
Geraldine Ruatta, Case Manager, Grants Pass  
Vickie O'Reilly, Employment Specialist, Beaverton  
Jesse Backman, Forestry Worker, Bay City  
Elizabeth Duell, Office Worker, Salem

All members of Oregon Public Employees Union, SEIU Local 503

*(This information furnished by Terrence Cavanagh, Oregon Public Employees Union, SEIU Local 503.)*

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# Measure No. 98 Arguments

## ARGUMENT IN OPPOSITION

### Oregon Public School Teachers Ask You To Vote "No" on Measure 98

**Oregon does not need Measure 98.** All public school teachers currently have the ability to "opt out" of a political contribution if we don't wish to participate. Most teachers value our right to "opt in" because so many of the decisions that are made about Oregon's public schools come through the Oregon legislature. Measure 98 would take away our right to pool our resources for a political voice.

**Measure 98 is unfair to teachers.** All teachers and other public employees should have the freedom to choose how our dues are spent. This measure targets one group of Oregonians – and denies us the same rights as individuals who are employees of private businesses and big corporations.

**Measure 98 doesn't belong in Oregon's Constitution.** Constitutional language that denies some Oregonians the freedom to choose how their money is spent should never happen. And it is probably unconstitutional.

**Measure 98 says one thing, but does another.** It changes how teachers and other public school employees can participate in the political process – the process that determines how public schools are funded, how many students can be placed in a classroom, even what may or may not be taught. This measure will ultimately hurt education in Oregon.

### Please Vote No on Measure 98.

Paul Duchin  
Middle School Teacher  
Eugene

Sharon Shannon  
High School Teacher  
La Grande

*(This information furnished by Sharon Shannon, Paul Duchin.)*

*(This space purchased for \$500 in accordance with ORS 251.255.)*

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## ARGUMENT IN OPPOSITION

### MEASURE 98 IS EXPENSIVE & UNNECESSARY

Measure 98 would interfere with the contract we have negotiated with our employees:

- Our employees already pay the expense of payroll deductions for their representation costs, as agreed to in our contract, so no public funds are expended for that purpose. There is no problem to be solved by this measure.
- It would increase, not decrease, the public expense of our payroll systems, by making us "watchdogs" of every Oregon bank, credit union, or charity an employee designates for payroll deduction, to insure those organizations are in compliance with this constitutional amendment.
- This measure makes activities in other states a cause for investigation and punishment of public employers in Oregon. For example, if an organization receiving a payroll deduction from one of our employees also lobbied state government in some other state, we have violated this law. That's the way this measure works.
- Please join us in voting "NO" on this poorly drafted, unnecessary measure.

David Frohnmayer President, U of O *	Paul Risser President, OSU *	Daniel Bernstine President, PSU *
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Betty Youngblood President, WOU*	Joseph W. Cox Chancellor Oregon University System*
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\* Titles used for identification purposes only, and do not constitute a position on this measure by any institution of the Oregon University System or the Oregon State Board of Higher Education.

*(This information furnished by Grattan Kerans; Chancellor of Oregon Universities.)*

*(This space purchased for \$500 in accordance with ORS 251.255.)*

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# Measure No. 98 Arguments

## ARGUMENT IN OPPOSITION

### Measure 98 would hurt Oregon's students

As student advocates here in Oregon, we feel threatened by amendment 98 and its impacts on us and our fellow students.

We care deeply about issues that affect us all, and we enjoy the freedom to express ourselves politically. These are skills that help students become effective leaders.

Amendment 98 would shut us out of the political process by restricting our use of our student fees and even our own campuses. The following activities — typical of any university — would likely be declared ILLEGAL under this measure:

- A student sends an alert from a university-owned computer urging members of his human rights' organization to call their senators on an upcoming vote. (Illegal under 98)
- The student body president writes a letter on student body letterhead asking the legislature to improve her university's library. (Illegal under 98)
- A paid member of an environmental group organizes volunteers on campus to make phone calls on a ballot measure. (Illegal under 98)
- The Republican student group passes around a hat at an on-campus gathering and later contributes part of it to any campaign. (Illegal under 98)

**Let us learn to participate in the political process now, and we will become effective leaders for tomorrow.**

LIBERAL – CONSERVATIVE – INDEPENDENT

IT DOESN'T MATTER.

WE ALL LOSE WITH 98.

VOTE NO ON 98!

Signed,

**Jay Breslow, President**

Associated Students of the University of Oregon\*

**Scott Young, President**

Associated Students of Southern Oregon University\*

**Andy High, President**

Associated Students Western Oregon University\*

**Justin Roach, President**

Associated Students of Oregon State University\*

**Susan Whitmore, President**

Associated Students of Lane Community College\*

\* For identification purposes only. The endorsement is of the individual, and not of the university.

*(This information furnished by Scott Young, Associated Students of Southern Oregon University; Jay Breslow, President, Associated Students of University of Oregon.)*

*(This space purchased for \$500 in accordance with ORS 251.255.)*

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## ARGUMENT IN OPPOSITION

### MEASURE 98 IS UNNECESSARY AND UNFAIR: PLEASE VOTE "NO" ON 98!

**Signed, the working men and women of:**

- AFSCME, Council 75
- American Federation of Teachers-Oregon
- Association of Engineering Employees of Oregon
- Association of Western Pulp & Paper Workers OR/ID Council
- Bricklayers & Allied Craftworkers Local 1
- Cement Masons Local 555
- Columbia Pacific Building & Construction Trades Council
- Communications Workers of America Local 7901
- Elevator Constructors Local 23
- Heat and Frost Insulators & Asbestos Workers Local 36
- IBEW Locals 48, 112, 280, 659, 932, 970
- International Alliance of Theatrical & Stage Employees Local 488
- International Longshore and Warehouse Union-Columbia River District Council
- International Union of Painters and Allied Trades Dist. Council 5
- Ironworkers Locals 29 and 516
- Laborers Locals 121,320, 483
- Lane, Coos, Curry, Douglas County Building Trades Council
- National Association of Letter Carriers Branch 82
- Northwest Oregon Labor Council, AFL-CIO
- Operating Engineers Local 701
- Oregon AFL-CIO
- Oregon Education Association
- Oregon Machinists Council, District Lodge 24
- Oregon Nurses Association
- Oregon Public Employees Union, SEIU Local 503
- Oregon School Employees Association
- Oregon State Building and Construction Trades Council
- Oregon State Fire Fighters Council
- Pacific Northwest Regional Council of Carpenters
- Painters and Tapers Locals 724, 1236, 1277
- Pendleton Building Trades Council
- Pineros y Campesinos Unidos del Noroeste (PCUN)
- Plasterers Local 82
- Portland Community College Federation of Classified Employees Local 3922
- Portland Fire Fighters Association
- Roofers Locals 49, 156
- Salem Building Trades Council
- SEIU, Oregon State Council, Local 49
- Sheet Metal Workers Local 16
- Southern Oregon Area Local, American Postal Workers Union
- Teamsters Joint Council #37
- United Association of Plumbers and Steamfitters Locals 290, 598
- United Food and Commercial Workers Local 555
- United Steelworkers of America
- WA/OR/ID State Conference of Bricklayers and Allied Craftworkers

*(This information furnished by Grant Zadow, IBEW Local 48.)*

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# Measure No. 98 Arguments

## ARGUMENT IN OPPOSITION

### OREGON CONSERVATION AND ENVIRONMENTAL GROUPS SAY "NO" ON 98

This is what you'll get by voting "no" on 98:

- **You will protect the right of all Oregonians to have a political voice.** Everyone has the right to be heard. That's how we get the most innovative solutions to the problems we face. Remember the Bottle Bill? That started in Oregon and has since gone nationwide.
- **You will help advocates for clean air and water.** The Environmental Federation of Oregon, the Sierra Club Foundation, Pacific Rivers Council, and hundreds of other groups receive voluntary contributions through payroll deductions from generous public employees who choose to support our efforts. This measure would mean the loss of countless dollars for organizations that work to keep Oregon's air and water clean.
- **You will protect the Voters' Pamphlet.** Even though the sponsors of this amendment say that it will not harm the Voters' Pamphlet, legal experts believe otherwise. In fact, the Fiscal Impact Statement in this very pamphlet show that the Voters' Pamphlet as we know it would no longer be printed.
- **You will keep our Constitution free** from a poorly written, vague and far-reaching amendment that could end up in court and costing all of us a lot of money. Amendments are for serious issues that are fair to all Oregonians — not for vague amendments with far-reaching consequences.

**Vote "no" on 98!**

Signed,

Environmental Federation of Oregon  
 Forest Service Employees for Environmental Ethics  
 Friends of the Columbia Gorge  
 Oregon Environmental Council  
 Oregon League of Conservation Voters  
 Oregon Natural Resources Council  
 Oregon State Public Interest Research Group  
 Pacific Rivers Council  
 Recycling Advocates  
 Sierra Club

*(This information furnished by Jonathan Poisner, Oregon League of Conservation Voters.)*

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## ARGUMENT IN OPPOSITION

### Measure 98 is vague and far reaching

Measure 98's vague language and consequences are misleading to the voters of Oregon. As a former law professor at Willamette and a former Oregon State Legislator, I contend Oregon will likely face the following consequences if Measure 98 passes:

- It will change the Voters' Pamphlet. It is effective now because voters can read statements and arguments made by candidates. Because the measure won't allow for some costs of the voter's pamphlet to be paid from state funds, Oregon voters will see a new, less helpful pamphlet.
- It will effectively prevent our Parent Teacher Association's and many charities from advocating on behalf of Oregon's children. Monies, or support, that reached these organizations through the deduction method will not be available for these advocacy purposes.
- It will cause costly legal battles as concerned parties try to discover exactly what it does and if it is constitutional. Our sister states of Ohio and Nevada have already overturned similar laws.
- It will make it more difficult for public employees, including firefighters and teachers, to make and collect voluntary political deductions. The voice of these workers will be harder to hear in the public discussion.

Measure 98 is vague. It doesn't cure a real problem and its consequences are worse than the problem it imagines. It doesn't belong in our Constitution.

**Please Vote No on Measure 98.**

Bryan Johnston, Dean  
 Atkinson Graduate School of Management  
 Willamette University

*(This information furnished by Bryan Johnston, Dean, Atkinson Graduate School of Management at Willamette University.)*

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# Measure No. 98 Arguments

## ARGUMENT IN OPPOSITION

**We, the undersigned Community Advocates, Environmentalists and Educators, urge you to vote "no" on 98.**

We have offered our endorsement here because our organizations and the community we support all stand to lose under Measure 98. Measure 98 has far-reaching effects that will harm charities, and it will shut some Oregonians out of the political process. It's unnecessary and unfair.

**Please Vote No on 98!**

### ENVIRONMENTAL:

Environmental Federation of Oregon  
Forest Service Employees for Environmental Ethics  
Oregon Environmental Council  
Oregon League of Conservation Voters  
Oregon Natural Resources Council  
Oregon Public Interest Research Group  
Pacific Rivers Council  
Recycling Advocates  
Sierra Club

### COMMUNITY ADVOCATES

Basic Rights Oregon  
Community Alliance of Tenants  
Eugene-Springfield Solidarity Network  
Mid-Willamette Valley Jobs With Justice  
Oregon Action  
Oregon Common Cause  
Oregon Consumer League  
Portland Jobs with Justice  
Portland New Party  
Rural Organizing Project  
Victim Offender Reconciliation Program / Community Mediation  
Services of Polk County  
Western States Center

### EDUCATORS

Association of Oregon Faculties  
Confederation of Oregon School Administrators  
Oregon Education Association  
Oregon School Boards Association  
Portland Community College Faculty Federation  
Portland State Advocates  
Salem Keizer School Board  
The Oregon PTA  
  
Mark Abrams, Vice-Chair, Portland School Board  
Gordon Matzke, Faculty Member, Oregon State University  
Henry Sayre, Faculty Member, Oregon State University  
William Smaldone, Willamette University Professor and Salem City Council Member

*(This information furnished by Roger Gray, Coalition Against Unnecessary and Unfair Constitutional Amendments.)*

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## ARGUMENT IN OPPOSITION

Caregivers for the Elderly and Disabled Say: No on 92 and 98

We provide care for the elderly and disabled.

We prepare and feed meals. We help our clients with medical treatment and taking prescriptions. We bathe and dress our clients. **We do the tasks that allow our clients to maintain their dignity and live independently. Our state's elderly and disabled remain in their homes and are not shipped off to nursing homes because of the work we do.**

**For us to provide adequate care, we need to have a voice on the job.** Our jobs are publicly funded by the legislature. Politicians won't understand what it takes to properly care for the elderly unless we can tell those legislators. We need to educate them about working conditions because politicians set the work rules. We need to tell them about patient needs because they set the funding levels for patient care.

**Measures 92 and 98 effectively silence our voices** because we fund our political activity – like educating legislators on care for the elderly -- through payroll deductions. We can't write \$50,000 checks to politicians – most of us make about \$8/hour. We just want to have our voice heard so we can improve the quality of care our clients receive and so we can improve our training, benefits and working conditions.

**We oppose Measures 92 and 98. Measures 92 and 98 are unfair and unnecessary. Working people need a voice.**

### Caregivers for the elderly and disabled:

Esther Doramus, Eugene  
Risa Northway, Oregon City  
Rita Sparks, Eugene  
Diane Chandler, Coos Bay  
Kimberly Powell, Eugene  
Caroline Mitchell, Bandon  
Tena Vasquez, Oregon City

*(This information furnished by Risa Northway.)*

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# Measure No. 98 Arguments

## ARGUMENT IN OPPOSITION

### ACLU RECOMMENDS A "NO" VOTE ON MEASURE 98

#### IT'S UNNECESSARY

Oregon law already prohibits public employees from doing anything while they're on the job to support or oppose political candidates or ballot measures. (ORS 260.432) All workers already have the right and ability to opt out of paying the portion of union dues that supports their union's political activities, and many do.

#### IT'S FAR-REACHING

Among its likely consequences are:

- Forbidding public employees like teachers and nurses from contributing to their favorite charities in the same way they have for years. This could mean big losses for groups including the United Way and the American Cancer Society. Charities are affected because many occasionally take positions on ballot measures and legislation such as the tobacco tax approved by voters four years ago.
- Blocking groups like the PTA from political expression by undermining their on-campus fundraising activities.

#### IT'S NOT ABOUT SAVING TAX MONEY

Measure 98 appears to aim for tax savings by limiting voluntary payroll deductions. Yet Section 4 of the measure specifically says that even if the state or local government is reimbursed for the cost of setting up a payroll deduction, it is still forbidden. This measure is built for one purpose: to exclude the participation of public employees. The savings will be the small amount from the loss of the Voters' Pamphlet as we know it. (See Measure 98's Fiscal Impact Statement at the front of this section.)

#### IT DOESN'T BELONG IN OUR CONSTITUTION

Similar laws have been overturned in other states because they unfairly limit workers' rights to pool their resources to have a political voice. Oregonians should not have to pay for an expensive legal defense for laws that aim to take away rights.

#### VOTE "NO" ON MEASURE 98 AND KEEP THE CONSTITUTION FAIR FOR EVERYBODY

**David Fidanque, President  
American Civil Liberties Union of Oregon**

*(This information furnished by David Fidanque, American Civil Liberties Union of Oregon.)*

*(This space purchased for \$500 in accordance with ORS 251.255.)*

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## ARGUMENT IN OPPOSITION

### Not again!

In 1998, Oregonians defeated Ballot Measure 59, a Bill Sizemore-authored measure that targeted the right of public employees in Oregon to deduct union dues using payroll deduction. There were many reasons why that was a bad measure, but one of the biggest was its language would have disallowed the Secretary of State to print the Oregon Voters' Pamphlet.

Now we are faced with Measure 98. Measure 98 is supposed to be the "son of Measure 59," but without the Voters' Pamphlet language. So guess what? **Legal experts are now saying that Measure 98 may still put the Oregon Voters' Pamphlet at risk.**

And it's not just the Voters' Pamphlet that's at risk. Measure 98's vague language could also hurt the ability of charities to collect donations via payroll deductions.

What's most frustrating is that this measure is so unnecessary. This measure has nothing to do with most Oregonians. Measure 98 is a deliberate attempt by supporters to deny public employees the right to make **voluntary** political contributions through payroll deduction.

The key word is "voluntary." No one is forcing public employees to donate this money. Public employees should have the same right as anyone else to express their opinions. Measure 98 is a blatant attempt by Mr. Sizemore and others to target a specific group of people ... those who work for the government ... and gag their right to speak.

Unfortunately, the spillover from Measure 98 again forces unintended consequences on all Oregonians: threats to the Voters' Pamphlet, threats to charitable deductions and so on.

Are you tired of voting on these same issues over and over? Are you tired of voting on issues that have no grassroots support, but instead are brought about only by zealous paid signature gatherers?

**Join us and Vote NO! on Ballot Measure 98.**

**Chuck Geyer, Portland  
AFSCME Local 3336 (DEQ)**

**Ronald Lopez, Ontario  
AFSCME Local 3763 (Treasure Valley Community College)**

*(This information furnished by Don Loving, Oregon AFSCME Council 75.)*

*(This space purchased for \$500 in accordance with ORS 251.255.)*

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# Measure No. 99

Proposed by initiative petition to be voted on at the General Election, November 7, 2000.

## BALLOT TITLE

### **99 AMENDS CONSTITUTION: CREATES COMMISSION ENSURING QUALITY HOME CARE SERVICES FOR ELDERLY, DISABLED**

**RESULT OF "YES" VOTE:** "Yes" vote creates commission ensuring quality home services for elderly, disabled receiving publicly-funded care.

**RESULT OF "NO" VOTE:** "No" vote rejects commission ensuring quality home services for elderly, disabled receiving publicly-funded care.

**SUMMARY:** Amends constitution. Creates nine-member commission ensuring high-quality home care services for elderly, disabled receiving publicly-funded personal care. Members appointed by Governor for three-year terms, confirmed by Senate. Commission would establish home care worker qualifications, registry; provide routine, emergency, respite referrals of qualified care providers; provide training opportunities. Clients would retain right to hire provider of their choosing. Commission would be home care workers' employer for collective bargaining purposes. Home care workers would have public employees' collective bargaining rights; could not strike.

**ESTIMATE OF FINANCIAL IMPACT:** This measure requires state expenditures of \$938,646 in the year of implementation and \$928,106 annually thereafter.

There is no financial effect on state or local government revenues, or on local government expenditures.

## TEXT OF MEASURE

WHEREAS, thousands of Oregon seniors and persons with disabilities live independently in their own homes, which they prefer and is less costly than institutional care (i.e. nursing homes), because over 10,000 home care workers, (also known as client employed providers), paid by the State of Oregon provide in-home support services;

WHEREAS, home care workers provide services that range from housekeeping, shopping, meal preparation, money management and personal care to medical care and treatment, but receive little, if any, training in those areas resulting in a detrimental impact on quality of care;

WHEREAS, the quality of care provided to seniors and people with disabilities is diminished when there is a lack of stability in the workforce which is the result of home care workers receiving low wages, minimal training and benefits;

WHEREAS, both home care workers and clients receiving home care services would benefit from creating an entity which has the authority to provide, and is held accountable for the quality of services provided in Oregon's in-home system of long-term care.

Be It Resolved that the people of the State of Oregon adopt a Home Care Quality and Accountability Act of 2000 as a new provision of the Constitution of the State of Oregon.

Section 1. Ensuring High Quality Home Care Services: Creation and Duties of the Quality Home Care Commission.

(A) The Home Care Commission is created as an independent public commission consisting of nine members appointed by the Governor.

(B) The duties and functions of the Home Care Commission include, but are not limited to:

- (1) Ensuring that high quality, comprehensive home care services are provided to the elderly and people with disabilities who receive personal care services in their homes by home care workers hired directly by the client and financed by payments from the State or by payments from a county or other public agency which receives money for that purpose from the State;
- (2) Providing routine, emergency and respite referrals of qualified home care providers to the elderly and people with disabilities who receive personal care services by home care workers hired directly by the client and financed in whole or in part by the State, or by payment from a county or other public agency which receives money for that purpose from the State;
- (3) Provide training opportunities for home care workers, seniors and people with disabilities as consumers of personal care services;
- (4) Establish qualifications for home care workers;
- (5) Establish and maintain a registry of qualified home care workers;
- (6) Cooperate with area agencies on aging and disability services and other local agencies to provide the services described and set forth in this section;

### Section 2. Home Care Commission Operation/Selection

(A) The Home Care Commission shall be comprised of nine members. Five members of the Commission shall be current or former consumers of home care services for the elderly or people with disabilities. One member shall be a representative of the Oregon Disabilities Commission, (or a successor entity, for as long as a comparable entity exists). One member shall be a representative of the Governor's Commission on Senior Services, (or a successor entity, for as long as a comparable entity exists). One member shall be a representative of the Oregon Association of Area Agencies on Aging and Disabilities, (or a successor entity, for as long as a comparable entity exists). One member shall be a representative of the Senior and Disabled Services Division, (or a successor entity, for as long as a comparable entity exists).

(B) The term of office of each member is three years, subject to confirmation by the Senate. If there is a vacancy for any cause, the Governor shall make an appointment to become immediately effective for the unexpired term. A member is eligible for reappointment and may serve no more than three consecutive terms. In making appointments to the Commission, the Governor may take into consideration any nominations or recommendations made by the representative groups or agencies.

### Section 3. Other Provisions – Legal Duties and Responsibilities of the Commission

(A) The Home Care Commission shall, in its own name, for the purpose of carrying into effect and promoting its functions, have authority to contract, lease, acquire, hold, own, encumber, insure, sell, replace, deal in and with and dispose of real and personal property.

(B) When conducting any activities in this Section or in Section 1 above, and in making decisions relating to those activities, the Home Care Commission shall first consider the effect of its activities and its decisions on improving the quality of service delivery and ensuring adequate hours of service are provided to clients who are served by home care workers.

(C) Clients of home care services retain their right to select the providers of their choice, including family members.

(D) Employees of the Commission are not employees of the State of Oregon for any purpose.

(E) Notwithstanding the provisions in subsection (D) of this section, the State of Oregon shall be held responsible for unemployment insurance payments for home care workers.

(F) For purposes of collective bargaining, the Commission

99

# Measure No. 99

shall be the employer of record of home care workers hired directly by the client and paid by the State, or by a county or other public agency which receives money for that purpose from the State. Home care workers have the right to form, join and participate in the activities of labor organizations of their own choosing for the purpose of representation and collective bargaining with the Commission on matters concerning employment relations. These rights shall be exercised in accordance with the rights granted to public employees with mediation and interest arbitration as the method of concluding the collective bargaining process. Home care workers shall not have the right to strike.  
 (G) The Commission may adopt rules to carry out its functions.

## EXPLANATORY STATEMENT

Ballot Measure 99 amends the Oregon Constitution to create the Home Care Commission. The commission, an independent public commission, would be responsible for ensuring high quality home care services for elderly and disabled persons who receive publicly funded personal care in their homes.

The State of Oregon funds in-home support services for eligible elderly and disabled persons. Home care workers provide in-home services, including but not limited to housecleaning, shopping, meal preparation, money management, transportation, personal care and medication management. Home care workers are hired directly by the client. Clients would retain the right to hire home care workers of their choice, including family members.

The Home Care Commission would consist of nine members appointed by the Governor for three-year terms, subject to confirmation by the Senate. Five members would be current or former clients who have received home care services. The Oregon Disabilities Commission, The Governors' Commission on Senior Services, The Oregon Association of Area Agencies on Aging and Disabilities, Senior and Disabled Services or their successor entities, would have one representative each on the Home Care Commission. In making appointments, the Governor may consider any nominations or recommendations made by the representative groups or agencies.

Ballot Measure 99 directs the commission, in its performance of its duties, to first consider the effect of its activities and decisions on improving the quality of service and ensuring that adequate hours of service are provided to clients. The duties of the commission would include but not be limited to providing routine, emergency and respite referrals of qualified home care workers; providing training opportunities for home care workers and their clients; establishing qualifications for home care workers; establishing and maintaining a registry of home care workers; and cooperating with area agencies on aging and disability services and other local agencies to provide these services.

The commission would have authority to contract, lease, acquire, hold, own, encumber, sell, insure, replace, deal in and with and dispose of real and personal property.

Employees of the commission would not be employees of the State of Oregon for any purpose. The state, however, would be responsible for paying the unemployment insurance payments for home care workers.

The commission would be the employer of record of home care workers for collective bargaining purposes. Home care workers would have the right to form, join and participate in the activities of labor organizations of their own choosing for the purpose of representation and collective bargaining with the commission on matters concerning employment relations. Home care workers would have public employees' collective bargaining rights, with mediation and interest arbitration as the method of concluding the collective bargaining process. Home care workers would be prohibited from striking.

The commission would have the authority to adopt rules to implement its duties and responsibilities.

<b>Committee Members:</b>	<b>Appointed by:</b>
Kase Kasemeyer	Chief Petitioners
Karla Spence	Chief Petitioners
Earlene Berry	Secretary of State
Connie Lough	Secretary of State
Rick Stucky	Members of the Committee

*(This committee was appointed to provide an impartial explanation of the ballot measure pursuant to ORS 251.215.)*

99

# Measure No. 99 Arguments

## ARGUMENT IN FAVOR

OREGON STATE COUNCIL OF SENIOR CITIZENS  
GRAY PANTHERS  
UNITED SENIORS OF OREGON  
ALL SUPPORT MEASURE 99

Oregon is the nation's model for community-based care system. But, senior and disabled Oregonians lose out when they are unable to find the quality of care they need because the best workers can make more money at the local pizza parlor than they can as a client-employed caregiver.

**BALLOT MEASURE 99 WILL IMPROVE CARE**  
Ballot Measure 99, the Quality Homecare Act, will improve the standard of care for senior and disabled Oregonians. That's why the Oregon Council of Senior Citizens, the Gray Panthers and United Seniors of Oregon urge a YES vote on Measure 99.

**IN-HOME CARE IS LESS COSTLY THAN INSTITUTIONAL CARE**  
Care in your own community, in your own home, is the highest quality of care for elderly and disabled Oregonians. In this state, we provide various levels of care, including in-home care, assisted living, with nursing homes being the last option, so that senior and disabled Oregonians receive the appropriate, most cost-effective, level of care. Because community-based care costs one-half to one-third as much as care in institutions (like nursing homes), this is the best use of these public dollars.

**CAREGIVERS: THE CORNERSTONE OF IN-HOME CARE**  
The cornerstone of Oregon's model of care for elderly and disabled citizens are quality homecare workers. It takes a special type of person to provide care to the elderly. The people who have it in their hearts to provide care for the elderly deserve to get the training they need to provide proper care for their clients. Ballot Measure 99 will improve our model of care and increase the oversight, selection and training of homecare workers. And that will improve the safety and care of elderly and disabled Oregonians.

JAMES A. DAVIS, on behalf of  
Oregon State Council of Senior Citizens  
United Seniors of Oregon  
Portland Gray Panthers

*(This information furnished by Jim Davis, Oregon State Council of Senior Citizens, United Seniors of Oregon, Portland Gray Panthers.)*

*(This space purchased for \$500 in accordance with ORS 251.255.)*

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## ARGUMENT IN FAVOR

For Our Families. For Our Health.  
Vote Yes on 99.

**Allow our Elderly to Remain in their Homes**  
Every year, thousands of elderly or disabled Oregonians are forced to move into a nursing home because they need help with the routine tasks of daily living. For many people, staying in their own home with the assistance of a homecare worker is a better choice.

**Improve Quality of Care for Disabled and Elderly**  
Because we care about elderly and disabled Oregonians, Measure 99 will reduce turnover and improve the quality of care by providing training to caregivers and establishing professional standards.

**Give Fair Treatment to Our Home Health Care Workers**  
Because we care about caregivers, Measure 99 will- for the first time- provide them with basic job protections like minimum wage, workers compensation and the right to collective bargaining.

**Save Taxpayer Dollars**  
Because we care about taxpayers, Measure 99 will strengthen and improve a system that has already saved millions of dollars by avoiding expensive and unnecessary nursing home placements.

Please VOTE YES on MEASURE 99.

- Betty Johnson, Benton County
- Janet Miltenberger, Clatsop County
- Barbara Leff, Lincoln County
- Margaret Hallock, Lane County

Because We Care About Oregon PAC  
**Beverly Stein, Chair**

*(This information furnished by Beverly Stein, Because We Care About Oregon PAC.)*

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# Measure No. 99 Arguments

## ARGUMENT IN FAVOR

### Disabled Oregonians: "YES on Measure 99"

We are two disabled Oregonians who receive in-home care through Oregon's homecare program. **Measure 99** will help to greatly improve this program.

**Homecare is crucial to thousands of disabled Oregonians who live at home.** It allows us to lead productive, independent and dignified lives. But the program also has serious flaws that make it difficult for us to find and retain trained, qualified home-care providers. Measure 99 fixes those flaws. It ensures that quality homecare will be available for those of us who choose independence over institutions like nursing homes.

**Homecare workers provide us with the care we need.** Imagine what it would be like if you couldn't bathe yourself or use the toilet. What if you needed help to get out of bed? What if you were unable to button your clothing? What if you couldn't hold a fork or cook for yourself? Homecare workers help us with all these things and much more.

**Everyone will eventually grow old and some of us will become disabled long before then.** One of us, Beth, broke her neck in a swimming pool accident at 15, and the other, Susan, has been disabled since 1989. Susan was a tax preparer before she got too ill to work. Beth will graduate from college in June 2001 to work with young people. If we were forced into nursing homes, the quality of our lives would be severely diminished. **With quality in-home care we can lead full lives.**

**Every year up to seven of ten elderly or disabled Oregonians in the homecare program face the prospect of finding someone to care for them.** We need qualified, professional, dependable care. We need a stable, qualified, professional workforce to care for us and the thousands of others who seek care for themselves or a family member.

**Please vote YES on Measure 99.**

Beth Marcum                      Susan Marie House  
 Silverton                              Medford

*(This information furnished by Beth Marcum, Susan House.)*

*(This space purchased for \$500 in accordance with ORS 251.255.)*

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## ARGUMENT IN FAVOR

### ALZHEIMER'S ASSOCIATION: YES on 99

Oregonians who suffer from Alzheimer's benefit from familiar surroundings with family and friends nearby. Some need the help of a qualified caregiver in order to live at home.

Alzheimer's patients and their families recognize the need for support for in-home caregivers, whether they are family members or paid caregivers, who care for our most vulnerable citizens.

In Oregon, 13,000 men and women provide care to elderly and disabled citizens in their own homes. That includes housekeeping, shopping, meal preparation, feeding, bathing, personal care, transportation, and administering medications. These caregivers provide health care services to low-income elderly and disabled consumers, yet have no health care as an employment benefit. They are not covered by workplace health and safety regulations. Many times there is no respite or emergency care backup. Caregivers do not have sick leave or vacations. Training is inconsistent and in some cases non-existent.

### QUALIFIED CAREGIVERS HARD TO FIND

Not surprisingly, there are issues regarding quality of care and difficulty in recruiting and retaining qualified caregivers. The turnover rate in some areas is over 100% which has a serious impact on the stability and quality of life of Alzheimer's patients and other consumers of homecare. Some are forced into institutional settings while waiting for an appropriate caregiver.

### MEASURE 99 WILL IMPROVE CARE

Measure 99 will allow consumers, public agencies and homecare workers to join forces to address issues of quality care for the elderly and disabled. This measure will create a nine-member consumer-directed commission to ensure high quality homecare, establish qualifications and a statewide registry, and provide training. In addition, caregivers may begin to receive wages and benefits that reflect the value of their services and stabilize this important workforce.

The Alzheimer's Association, Oregon Trail Chapter welcomes and supports Ballot Measure 99. **YES on 99** will help Oregon to address the important issues confronting our elderly and people with disabilities.

Liz McKinney, Executive Director  
 Alzheimer's Association, Oregon Trail Chapter

*(This information furnished by Liz McKinney, Executive Director, Alzheimer's Association.)*

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# Measure No. 99 Arguments

## ARGUMENT IN FAVOR

### Nurses Support YES on 99 – The Quality Homecare Act

When someone comes into your home to care of you, whether you're elderly or disabled (or suffering from a treatable disease), personal safety and the quality of care are your highest considerations. The Oregon Federation of Nurses & Health Professionals, AFT Local 5017, urges a "YES" vote on Measure 99 because it will improve the safety and care of some of our state's most vulnerable citizens.

### SAFETY FOR CLIENT AND CAREGIVER

Oregon's elderly and disabled citizens have been well-served by most of the in-home, client-employed caregivers working in Oregon today. Still, it is a job that almost anyone can "walk in off the street" and get. Often, good homecare workers are hard to find or leave for better-paying jobs elsewhere. This means that some of our most vulnerable citizens go without the care that will enable them to remain safe and healthy in their own homes.

Ballot Measure 99 will protect seniors and people with disabilities by making sure that homecare workers are properly trained and have the skills for the job.

### PROMOTES GOOD HEALTH; SAVES MONEY

Through the homecare program, low-income elderly and disabled Oregonians receive help with such critical daily living tasks as medical care, personal care, dressing, cooking, money management and housework.

By living independently in their own homes, elderly and disabled Oregonians are happier and healthier until nursing home care becomes medically necessary. Providing the most appropriate care in this way has saved all of us more than \$400,000,000.

The Oregon Federation of Nurses & Health Professionals represents 900 nurses and health care professionals in hospitals, clinics, nursing homes and in private practice throughout Oregon. We support Measure 99 — the Quality Homecare Act — because it will improve the safety and training for in-home caregivers. And that will improve the health of all Oregonians.

Vote YES on Ballot Measure 99.

Kathy Schmidt, RN, President  
Oregon Federation of Nurses & Health Professionals

*(This information furnished by Katherine Schmidt, Oregon Federation of Nurses & Health Professionals.)*

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## ARGUMENT IN FAVOR

### Senior Citizen Center Supports Ballot Measure 99

#### We ask you to vote YES on 99 to ensure that Oregon seniors receive quality homecare

Senior citizen centers serve elderly Oregonians every day. We see the dignity and independence that seniors possess when they live in their own homes, in their own communities. Oregon's homecare system allows over 10,000 elderly and disabled Oregonians to remain in their homes by providing them with in-home caregivers. This system has saved the state over \$400,000,000 because in-home care is less expensive than nursing homes. We need ballot measure 99 to ensure that quality in-home care is an option for seniors who wish to live independently.

Ballot measure 99 ensures the quality of homecare by:

- Creating a commission to ensure the quality of care.
- Providing training so homecare workers can better meet their clients needs.
- Creating a registry of homecare workers, so seniors can find a qualified caregiver.
- Providing routine emergency respite referrals so that a workers emergency doesn't leave a senior without care.
- Creating a commission to develop baseline standards of medical expertise for homecare workers.

At senior centers we understand how important it is to Oregon seniors to have quality homecare available for them and their loved ones. We understand how important it is to be able to stay at home with our families and our familiar surroundings when confronting illness or disability. We understand how important it is to have trained and qualified caregivers. For these reasons we ask you to join us in supporting Ballot Measure 99.

Help Oregon seniors stay in their homes – vote YES 99

**Lola Burge, on behalf of  
Molalla Adult Community Center  
Molalla Area Seniors, Inc.**

*(This information furnished by Lola Burge, Molalla Adult Comm. Center and Molalla Area Seniors, Inc.)*

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# Measure No. 99 Arguments

## ARGUMENT IN FAVOR

### CAREGIVERS SUPPORT 99

More than 13,000 Oregon workers provide in-home care for the elderly and disabled. The care we provide enables our clients to live in their own homes. We do for them what they can no longer do for themselves.

We prepare and feed meals.

We help our clients with medical treatment and taking prescriptions.

We bathe and dress our clients.

**We do the tasks that allow our clients to maintain their dignity and live independently.**

**We provide care to Oregon's grandparents, parents, family, friends, and our neighbors -- people who need assistance due to injury, illness, age or disability.**

**We're the backbone of Oregon's community-based care system.** We need adequate training to provide the best possible care. The health of our clients is too important to settle for less. The qualifications for this job should be more than just a criminal background check and being over 18.

We may need to lift someone from the bathtub to their wheelchair and from their chair to their bed, but we are not entitled to workers' compensation protection (that other Oregon workers receive) should we throw out our backs.

**We take care of the elderly, quadriplegics, and people suffering with Alzheimer's yet receive no training about those conditions.** What we learn, we learn on our own or from our clients.

Your YES vote on Measure 99 will help us and our clients by:  
Ensuring that the elderly and disabled have trained caregivers.  
Creating a registry of qualified caregivers to help our clients find caregivers whose skills match their needs.  
Providing for routine and emergency respite care. This ensures that if a caregiver is sick the client does not go without care.  
Giving caregivers the ability to make homecare a profession we can be proud of, not just another low-paying, dead end job.

**Vote YES on Measure 99. Make quality homecare a reality.**

Caregivers:

Diane Chandler, Coos Bay

Elyse Scott-Burnett, Woodburn

Kimberly Powell, Eugene

Caroline Mitchell, Bandon

*(This information furnished by Diane B. Chandler, Home Care Provider, Elyse Scott-Burnett, Kimberly Powell, Caroline Mitchell.)*

*(This space purchased for \$500 in accordance with ORS 251.255.)*

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## ARGUMENT IN FAVOR

### HEMOCARE PROGRAM HAS ALREADY SAVED TAXPAYERS MORE THAN \$400 MILLION BY KEEPING ELDERLY AND DISABLED OUT OF EXPENSIVE NURSING HOMES

*(Source: The Oregonian, June 22, 2000)*

Measure 99 will expand the availability of in-home care for Oregon's elderly and disabled. According to the Fiscal Impact Committee (which is comprised of the Secretary of State, State Treasurer, Director of the Department of Administrative Services, and the Director of the Department of Revenue), the direct cost of Measure 99 will be less than a million dollars.

The homecare program has already saved taxpayers nearly half a billion dollars by helping people stay out of nursing homes. By making homecare more accessible, Measure 99 will save the state additional money.

**VOTE YES ON MEASURE 99.**

**Jim Duncan**

**Advocate for the Elderly**

*(This information furnished by Jim Duncan, Advocate for Elderly.)*

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# Measure No. 99 Arguments

## ARGUMENT IN FAVOR

### Advocates for Seniors, the Disabled, Human Rights, and Working Families Say Vote YES on 99

The following organizations are among those supporting Measure 99 – for Quality Homecare for Oregon's elderly and disabled.

- Oregon State Council of Senior Citizens
- Alzheimer's Association, Oregon Trail Chapter
- United Seniors of Oregon
- Molalla Adult Community Center
- Molalla Area Seniors, Inc.
- Advocacy Coalition for Seniors and People With Disabilities
- American Disabled for Attendant Programs Today (ADAPT)
- Portland Gray Panthers
- Older Women's League, Portland Chapter
- Oregon Federation of Nurses & Health Professionals
- Oregon Human Rights Coalition
- Human Services Coalition of Oregon
- Oregon AFL-CIO
- Northwest Oregon Labor Council
- Service Employees International Union
- Oregon Public Employees Union, SEIU Local 503
- AFSCME Council 75
- Oregon School Employees Association
- Association of Western Pulp and Paper Workers
- Oregon Education Association
- Portland New Party
- Pacific Green Party of Oregon
- Portland Jobs With Justice
- Mid-Willamette Valley Jobs With Justice
- Oregon Catholic Conference

*(This information furnished by Arthur Towers, Oregonians for Quality Homecare.)*

*(This space purchased for \$500 in accordance with ORS 251.255.)*

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## ARGUMENT IN FAVOR

Independence is a powerful word. For people with disabilities it is even more powerful. It is the benchmark by which we view our quality of life. But it doesn't mean going it alone. We have allies in our quest for independence. The people who help us do the tasks we cannot do by ourselves, everything from housekeeping and cooking, to bathing and toileting. A good working relationship between an attendant and consumer means the difference between living free, or living in an institution. But in Oregon, and across the nation our access to community based attendant services is threatened by the working conditions that our attendants are forced to work under by the State of Oregon. The state refers to them as Client Employed Providers. But as employers we are not allowed any control over the wages and other conditions they work under. They do not even get workers compensation. Measure 99 provides a framework for consumers and attendants to work together for their common good. Measure 99 reforms attendant services by:

- Providing an employer of record for fiscal purposes. Providers would no longer be treated as independent contractors.
- A majority of Commission members would have to be consumers of attendant services. Consumers could still have the right to decide who provides services to them.
- Creates a statewide registry of qualified providers.
- Creates training standards for providers and consumers.

You may not be disabled, but as we grow older the chances of our needing these services increase.

**VOTE YES ON MEASURE 99! THE INDEPENDENCE YOU ARE PROTECTING MAY BE YOUR OWN!**

*(This information furnished by Ric Burger, Oregon ADAPT.)*

*(This space purchased for \$500 in accordance with ORS 251.255.)*

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# Measure No. 99 Arguments

## ARGUMENT IN FAVOR

### MEASURE 99 BACKED BY OLDER WOMEN'S LEAGUE

Our population is growing older. As we grow older, we'll need quality care available in our homes to maintain our health and independence. Statistics show that more women rely on Medicaid for health care coverage in their older years. For those reasons, the passage of Ballot Measure 99 — the Quality Homecare Act — is important to Oregon's women.

### SCREENED AND TRAINED CAREGIVERS

Oregon values the ability of elderly and disabled people to live in their own homes. The Older Women's League wants to make sure that all Oregonians, whether elderly or disabled, have access to caregivers who are adequately screened and trained before they come to work in our homes. Ballot Measure 99 will make these improvements to our care and safety.

### MAJORITY OF CAREGIVERS ARE WOMEN

It's important that voters realize that the majority of in-home caregivers are women. This ballot measure will give these dedicated workers the opportunity to improve their working conditions. For many of these caregivers, this job may be their only source of income. They struggle to support themselves and their families, and are often forced to leave this field in order to bring their family above the poverty line.

### INDEPENDENT LIVING

Older women prefer to live in our own homes with our family, friends and cherished possessions around us. And, all of us, young or old, want to retain our independence. We shouldn't be forced into nursing homes because of the lack of in-home caregivers.

### SAFETY AND COMPETENCY

Older and disabled Oregonians need to be assured of the competency and qualifications of the people who are coming into their homes to provide care. Ballot Measure 99 will give us the protection of screened and trained caregivers who are able to do the job.

The Older Women's League urges your YES vote for Measure 99.

### RUTH CURRIE

Executive Director, Portland Chapter, Older Women's League

*(This information furnished by Ruth Currie, President, Older Women's League, Portland Chapter.)*

*(This space purchased for \$500 in accordance with ORS 251.255.)*

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## ARGUMENT IN FAVOR

### DISABILITIES LEADER SUPPORTS QUALITY HOMECARE MEASURE 99

Oregon has a nationally recognized system of care for seniors and people with disabilities. But, it also includes low pay and no benefits for the in-home caregivers who are essential to the success of Oregon's system of long-term care. Ballot Measure 99, the Quality Homecare Act, will rectify that.

### CAREGIVERS IMPORTANT TO OUR CARE

From my job working with disabled Oregonians and my own experience with multiple sclerosis, I know the important role homecare workers play in our lives. Right now, my family and I are able to cope with my condition. As my condition deteriorates, we may not be able to cope without the help of an in-home caregiver. Because I know how vital these workers are to Oregon's system of care for disabled and elderly persons, I decided to sponsor Measure 99.

### OUR SYSTEM BUILT ON CAREGIVERS

Oregon's homecare system is built on the backs of in-home caregivers. They have a critical role in assisting their clients. They enable us to live in our own homes where we are healthiest and happiest and the care is most affordable. They bathe us, help us dress in the mornings, prepare meals, administer our medication, and help maintain our homes. **In-home caregivers help us live to our full potential.** This profession is a calling. It takes a special person to properly care for the elderly and disabled. They should be rewarded and recognized, not punished with working conditions that force them into a life of poverty.

### MEASURE ASSURES SCREENED, QUALIFIED WORKERS

Measure 99 will call for training and respite leave that caregivers need. Measure 99 assures Oregon's disabled and elderly citizens that they will have screened and qualified people in their homes helping them. Measure 99 will make it much easier to match a caregiver with the proper skills to a client with special needs.

Vote YES on Measure 99, the Quality Homecare Act.

### EUGENE ORGAN

Chief Sponsor, Eugene

*(This information furnished by Eugene Organ.)*

*(This space purchased for \$500 in accordance with ORS 251.255.)*

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# Measure No. 99 Arguments

## ARGUMENT IN FAVOR

### Working Families Support Quality Homecare

Vote YES on 99

Working families in Oregon understand the challenges of providing for a family. Sometimes that includes providing care for an elderly parent, grandparent or a disabled family member. Some are fortunate enough to be in a position to provide that care. However, some of our elderly and disabled citizens do not have families to provide the care they need. Homecare workers fill an important, humanitarian role in helping us care for our loved ones.

These workers are defined as "domestic servants," yet the work they do is similar to paraprofessional health care workers. There are no safety nets under this group of workers who are the safety net for our most vulnerable citizens.

They are denied basic benefits typically extended to American workers. There are no minimum wage laws for these workers, no on-the-job safety standards, no workers' compensation for work-related injuries, no vacations, sick leave, pensions or health insurance. They do not have the right to form and join a union to negotiate for better working conditions. They have been a silent, invisible workforce.

**The value of the work is indisputable. It's physically and emotionally challenging. Yet the compensation keeps many of these workers in poverty.** Many are forced into other fields because they cannot support themselves or their families.

Measure 99 is a step towards improving the lives of our elderly and disabled loved ones. Measure 99 is also a step towards giving homecare workers that which they deserve, our respect and compensation that reflects the value of their work.

**Join us in supporting Ballot Measure 99.**

Oregon AFL-CIO  
 Northwest Oregon Labor Council  
 Service Employees International Union  
 Oregon Public Employees Union, SEIU Local 503  
 AFSCME Council 75  
 Oregon School Employees Association  
 Association of Western Pulp and Paper Workers

*(This information furnished by Nancy Padilla, Oregon Public Employees Union, SEIU.)*

*(This space purchased for \$500 in accordance with ORS 251.255.)*

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## ARGUMENT IN FAVOR

### ECUMENICAL MINISTRIES OF OREGON ENDORSES BM 99

Ecumenical Ministries of Oregon strongly supports creation of a homecare commission to ensure the quality of publicly funded in-home care services. This measure allows consumers of homecare services, local agencies and communities to begin addressing well-documented issues in one of Oregon's most important long-term care system; training, respite care, recruitment and retention.

Each stakeholder in this program stands to benefit from the passage of this measure. Oregon voters will be approving a measure with vision and capacity to strengthen and prepare for a growing population of seniors as well as people with disabilities. In-home care has proven to be the most humane and respectful method of caring for our most vulnerable citizens. It's also the most cost-effective. By investing in this system of care we are creating the foundation necessary to meet Oregon's future needs.

Ecumenical Ministries of Oregon worked to pass legislation similar to BM 99 during the 1999 legislative session. Unfortunately, the legislature failed to act on this important policy package. It is now before Oregon voters to act in the best interest of our elderly and people with disabilities...as well as the dedicated workers who care for them.

**In short, we believe Measure 99 to be fundamentally a matter of human rights, civil rights and labor rights.**

"A wise...Government...shall not take from the mouths of labor the bread it has earned." Thomas Jefferson, First Inaugural Address, 1801.

**Join us in supporting BM 99.**

\*The Roman Catholic Archdiocese of Portland and the Greek Orthodox Church abstained from EMO's deliberations regarding the November ballot measures.

*(This information furnished by David Leslie, Ecumenical Ministries of Oregon.)*

*(This space purchased for \$500 in accordance with ORS 251.255.)*

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# Measure No. 99 Arguments

## ARGUMENT IN FAVOR

### QUALITY HOME CARE FOR SENIORS THREATENED BY MEASURES 88, 91, 92, 93, 98, AND 8

The positive impact of Measure 99 – improved home care for elderly and disabled Oregonians at a cost savings to taxpayers – will be severely limited if any of six other measures are approved by voters.

Measures 88, 91, 93, and 8 reduce the availability of funds for vital public services like homecare for the elderly and disabled. Measure 99 improves the homecare system in Oregon. But without adequate funding, seniors and the disabled will not get the care they deserve. Measure 91 hits homecare workers doubly hard by increasing taxes on working Oregonians who make what we make – about \$8/hour.

Measures 92 and 98 restrict the involvement of homecare workers in the political process. If we as homecare workers had not stood up for improved care for their clients and for improved working conditions for themselves, Measure 99 would have never made it on to the ballot.

Homecare workers deserve the same opportunity to participate in the political process that nursing home owners have. We deserve to be able to pool our efforts and pool our resources to fight for quality care for our clients. Measures 92 and 98 would severely limit our ability to work together to fight for improved working conditions or quality care. Measures 92 and 98 would effectively silence our voices as we work to educate voters and politicians about the dire state of homecare in Oregon.

**Support quality home care for the elderly and disabled:  
Vote YES on Measure 99 and NO on Measures 88, 91, 92, 93,  
98, and 8.**

Caregivers for the elderly and disabled:

Esther Doramus, Eugene  
Risa Northway, Oregon City  
Rita Sparks, Eugene  
Tena Vazquez, Oregon City  
Karen Thompson, Scio

*(This information furnished by Esther Doramus, Risa Northway, Rita Sparks, Tena Vazquez, Karen Thompson.)*

*(This space purchased for \$500 in accordance with ORS 251.255.)*

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# Measure No. 1

Proposed by initiative petition to be voted on at the General Election, November 7, 2000.

## BALLOT TITLE

### **1 AMENDS CONSTITUTION: LEGISLATURE MUST FUND SCHOOL QUALITY GOALS ADEQUATELY; REPORT; ESTABLISH GRANTS**

**RESULT OF "YES" VOTE:** "Yes" vote requires legislature to fund school quality goals adequately, issue report, establish equalization grants.

**RESULT OF "NO" VOTE:** "No" vote rejects requirements that legislature fund school quality goals adequately, issue report, establish grants.

**SUMMARY:** Amends constitution. Current statutes establish quality goals for education; constitution does not require legislature to fund schools adequately to meet those goals. Measure requires that, in each biennium, legislature fund schools adequately to meet law's quality goals, publish report either demonstrating funding sufficiency or identifying reasons for insufficiency, its extent, and impact on state's ability to meet goals. Also requires establishing equalization grant system to eligible districts whose voters approve local option taxes, consistent with any legal obligation to maintain substantial equity in state funding.

**ESTIMATE OF FINANCIAL IMPACT:** There is no financial effect on state or local government expenditures or revenues.

## TEXT OF MEASURE

### **Be It Enacted by the People of the State of Oregon:**

**PARAGRAPH 1.** The following Section is added to and made a part of Article VIII of the Constitution of the State of Oregon:

**Adequate and Equitable Funding.** (1) The Legislative Assembly shall appropriate in each biennium a sum of money sufficient to ensure that the state's system of public education meets quality goals established by law, and publish a report that either demonstrates the appropriation is sufficient, or identifies the reasons for the insufficiency, its extent, and its impact on the ability of the state's system of public education to meet those goals.

(2) Consistent with such legal obligation as it may have to maintain substantial equity in state funding, the Legislative Assembly shall establish a system of Equalization Grants to eligible districts for each year in which the voters of such districts approve local option taxes as described in Article XI, section 11(4)(a)(B) of this Constitution. The amount of such Grants and eligibility criteria shall be determined by the Legislative Assembly.

## EXPLANATORY STATEMENT

Ballot Measure 1 amends the Oregon Constitution by adding a provision relating to public education funding to Article VIII. Public education includes education provided by school districts, community colleges, public universities and other public education providers.

Currently statutes establish quality goals for public education. The Oregon Constitution does not require the legislature to fund public education to meet these goals.

This measure requires the legislature to fund a sufficient amount of money to meet public education quality goals as established by the legislature. The measure also requires the legislature to publish a report that demonstrates to the public that the funding for public education is sufficient to meet the quality goals or must state the reasons for any insufficiency, the extent of the insufficiency and the impact that will have on the ability of public education providers to meet the quality goals.

Currently the Oregon Constitution and existing statutes allow a school district to levy local option taxes in excess of the amount of property taxes that may be approved under the school district's property tax rate limit. This would happen provided the tax is approved by a majority of the electors of the district in a general election or an election in which 50 percent of the eligible voters participate.

This measure requires the legislature to establish grants to property poor districts that levy the local option tax. The measure directs the legislature to determine the amount of the grants and to establish the criteria for the grants.

### **Committee Members:**

Joanne Waller  
Duncan Wyse  
Senator Gene Derfler  
Senator Marilyn Shannon  
Ron Saxton

### **Appointed by:**

Chief Petitioners  
Chief Petitioners  
Secretary of State  
Secretary of State  
Members of the Committee

*(This committee was appointed to provide an impartial explanation of the ballot measure pursuant to ORS 251.215.)*

1



# Measure No. 1 Arguments

## ARGUMENT IN FAVOR

**OREGON'S PUBLIC SCHOOL LEADERS  
SAY VOTE YES ON MEASURE 1**

Measure 1, introduced by Governor Kitzhaber and State Schools Superintendent Bunn, is a common-sense way to hold the legislature accountable for school funding. We support Measure 1 because it allows voters to understand where their education dollars are going.

**Measure 1 is a simple, fair and long-overdue remedy to inadequate school funding.**

The Oregon Legislature is obligated to provide a public school system. It has also set in law ambitious student achievement standards. Unfortunately, its appropriations have not matched its ambitions. Measure 1 will correct that problem by directing the legislature to underwrite its educational goals or explain why not.

**Measure 1 recognizes that Oregon's local option law needs fixing.**

The 1999 Legislature passed a law allowing school districts to raise up to \$500 per student through "local option" property tax levies. Measure 1 establishes grants allowing less wealthy districts to supplement local option money with state funds to the level of richer districts. This assures that equalization is not eroded.

**Measure 1 preserves local control.**

The state provides 70 percent of school funding. It requires school districts to pursue certain educational goals and standards. Local school boards, however, determine school budgets, guided by available resources, state law and local priorities. Measure 1 doesn't change this. Measure 1 simply holds state decision-makers responsible for their funding decisions.

**Take the politics out of school funding decisions.**

**VOTE YES ON MEASURE 1.**

**Confederation of Oregon School Administrators  
Oregon School Boards Association**

*(This information furnished by John Marshall, Oregon School Boards Association; Ozzie Rose, Confederation of Oregon School Administrators.)*

*(This space purchased for \$500 in accordance with ORS 251.255.)*

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## ARGUMENT IN FAVOR

Dear Oregonians,

Ballot Measure 1, the Accountability and Equity in School Funding Act, will fundamentally change how we fund schools in Oregon. It will also help poorer school districts afford to exercise the local option, to help pay for their schools. I urge your yes vote on Measure 1.

The measure was crafted to change the debate about school funding from "how much to spend?" to "what education services are we buying?" It does so by requiring the legislature to fund schools so students can reach the high standards set in law. If the legislature fails to do so, its members must detail the effects of their funding decision on the ability of our students to meet standards.

Currently, the school funding debate in the legislature focuses on large numbers rather than on what those dollars actually buy in terms of education. By requiring the legislature to develop the school budget in terms of student achievement - that is, to determine the relationship between dollars and student performance - the legislature can be held accountable for the consequences of its funding decisions. The governor will similarly be held accountable for the relationship between the recommended K-12 budget and anticipated student performance.

Equally importantly, Measure 1 will require the legislature to provide matching funds for poorer districts that wish to exercise the local option to help pay for their schools.

Many property poor districts simply cannot afford a local property tax. Measure 1 will require the legislature to help equalize the difference between wealthy and poor districts that choose the local option by grants, depending on the level of property value in a school district. This will help make a local option property tax more affordable for districts that pass one.

Measure 1 will deliver exactly what it promises: more accountability in school funding decisions, and greater funding equity for students across Oregon. I urge your yes vote on Measure 1.

John Kitzhaber

*(This information furnished by John A. Kitzhaber, M.D.)*

*(This space purchased for \$500 in accordance with ORS 251.255.)*

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# Measure No. 1 Arguments

## ARGUMENT IN FAVOR

### THE OREGON PTA SUPPORTS MEASURE 1

The Oregon Legislature has mandated that our students meet certain goals and requirements before graduation. However, they have consistently refused to fund this mandate, leaving school districts and teachers with little or no training, few additional materials, more responsibilities, and longer hours with no additional compensation.

This is not only unfair for our school districts and our teachers, but ultimately it is the students who suffer most. While the notion of a level of requirement, and the pledge to help all of Oregon's students achieve that level is noble, and one that we fully support, the Oregon PTA feels it is unfair to set the level of expectation without giving it the monetary support that it requires.

It's time for the Oregon Legislature to put the financial commitment into their legal commitment. How can we expect our teachers to do more with less?

It's like giving a builder the blue prints to build your house, then giving them no money but demanding that the house be built anyway.

Only this isn't houses. These are our children.

Given the last two legislative sessions, it's obvious that the commitment to education was not a priority for the legislature. This measure would help take some of the politics out of the process of funding K-12 education. It would help to cut down on the biennial grab for money for the state budget that always seems to place our children at the end of the line.

Because this measure would help to stabilize school funding; because it would finally put financial support into the mandated school quality goals; and because this would help to keep equity between school districts, The Oregon PTA supports this measure.

### PLEASE JOIN US - SUPPORT THE FUTURE FOR OREGON'S CHILDREN.

### VOTE YES ON MEASURE 1

The Oregon PTA  
Kathryn Firestone, President  
Lisa Laursen Thirkill, Vice President for Legislation

*(This information furnished by Kathryn Firestone, President, Lisa Laursen Thirkill, VP for Legislation; The Oregon PTA (Oregon Congress of Parents and Teachers).)*

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## ARGUMENT IN FAVOR

### OREGON EDUCATORS SAY "VOTE YES" ON BALLOT MEASURE 1. HERE'S WHY:

- Voters know that funding public schools adequately and equitably is vitally important.
- Voters deserve to know that their elected representatives have gotten that job done when they pass the education budget.
- In the absence of BM 1, voters don't always get the full story.

### Students deserve the best education we can provide, so that every child has an equal opportunity to achieve in the 21st century world.

While Oregon law has mandated that students meet higher goals, those laws have been essentially unfunded mandates. Educators have been willing to embrace quality education goals and to take on new and greater responsibilities, but they need more training opportunities and supporting curriculum materials to make the new programs work.

By requiring the Legislature to provide adequate funding to meet Oregon's quality education goals, Measure 1 will hold the state accountable, just as schools are held accountable for using tax dollars wisely and well. Additionally, the measure requires the Legislature to report how their budget meets or fails to meet these goals — so that citizens do get the full story.

Measure 1 also provides a way to maintain the district-by-district funding equity that's taken a decade to achieve. By establishing equalization grants to assist poorer districts in obtaining local option funding, this measure provides a fair funding system for all students — no matter where they live.

### EDUCATORS SUPPORT EDUCATIONAL QUALITY AND EQUALITY; THEY ASK YOU TO VOTE "YES" ON BALLOT MEASURE 1.

*(This information furnished by James Sager, Oregon Education Association.)*

*(This space purchased for \$500 in accordance with ORS 251.255.)*

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# Measure No. 1 Arguments

## ARGUMENT IN OPPOSITION

All Oregonians desire good education. But to reach that goal, should we increase funding for public schools? **We think funding should be decreased** and therefore we oppose Measure 1. Why?

First, public schools **leave God out** of education. They are, at their heart, self-consciously secular. They say knowledge is ethically neutral, which it isn't (Prov. 15:26, 24:9; 2 Cor. 10:5; Rom. 1:18-21). They teach that the world can be truly known and understood without reference to its Creator. This is a lie. The truth is that "the fear of the Lord is the beginning of knowledge," and it is folly to ignore this.

Second, its **just not government's job to educate children**. The Bible says civil government's job is to restrain certain sins by punishing evildoers (Rom. 13:4) and to praise the righteous (2 Pet. 2:14). No matter how "good" government-run schools are, they cannot accomplish either of these God-given purposes. **Parents are responsible**, unless impoverished, to pay directly for the feeding, clothing, and education of their own children.

By assuming the responsibility to educate all children, the State has excluded God as the foundation for learning and has levied very high taxes. This makes it very difficult for most parents to fulfill their God-given obligations to fund their children's education.

Don't feel guilty for saying "No" to more money for public schools. Like the leech's two daughters in Proverbs 30:15, **public school advocates ALWAYS cry, "Give, give."** Like the fire of Proverbs 30:16, they're never satisfied, they never say, "It is enough." Nor do they provide fruits worthy of such "giving."

The answer is not stabilized funding for public schools, but a gradual replacement of these schools through privatization and restoration to parents of their ability to discharge the duties graciously given to them by God.

We therefore oppose Measure 1.

Prepared by the **Parents Education Association**, a family-based biblical alternative to the National Education Association.

*(This information furnished by Dennis R. Tuuri, Parents Education Association.)*

*(This space purchased for \$500 in accordance with ORS 251.255.)*

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# Measure No. 2

Proposed by initiative petition to be voted on at the General Election, November 7, 2000.

## BALLOT TITLE

### 2 AMENDS CONSTITUTION: CREATES PROCESS FOR REQUIRING LEGISLATURE TO REVIEW ADMINISTRATIVE RULES

**RESULT OF "YES" VOTE:** "Yes" vote creates process for petitioning legislature to require its review of administrative rules.

**RESULT OF "NO" VOTE:** "No" vote keeps system not requiring legislative approval for administrative rules to remain in effect.

**SUMMARY:** Amends constitution. Current law does not require legislative review of administrative rules. Measure allows voters to require legislative review of administrative rules at next regular session when petition, signed by at least 10,000 voters, is filed listing affected rules. Rule remains effective until reviewed by legislature, but rule ceases to be in effect unless approved. If governor vetoes bill, rule is disapproved unless legislature overrides veto. If rule not approved, state agency may adopt new rule on same issue, but legislative review is required.

**ESTIMATE OF FINANCIAL IMPACT:** There is no financial effect on state or local government expenditures or revenues.

## TEXT OF MEASURE

Be it enacted by the people of the State of Oregon:

PARAGRAPH 1. The Constitution of the State of Oregon is amended by creating a new section 34 to be added to and made a part of Article IV, such section to read:

SECTION 34. (1) The people reserve upon themselves the power to require that the Legislative Assembly review and approve any administrative rule in the manner provided by this section.

(2) The Legislative Assembly shall be required to review and approve an administrative rule or rules upon the filing of a petition with the Secretary of State that has been signed by at least 10,000 qualified voters. A petition filed under the provisions of this subsection shall identify the specific administrative rule or rules that the Legislative Assembly is required to review. All administrative rules identified in the petition must relate to one subject only and matters properly connected therewith.

(3) (a) Upon receiving a petition that meets the requirements of subsection (2) of this section, the Secretary of State shall cause written notice to be given to the President of the Senate. The President of the Senate shall thereafter cause to be prepared and introduced in the Senate at the next following regular session of the Legislative Assembly a bill approving the administrative rule or rules. If the petition is filed with the Secretary of State during a regular session of the Legislative Assembly, the bill required by this subsection must be introduced at the regular session of the Legislative Assembly next following the session during which the petition is filed.

(b) The Legislative Assembly may approve the administrative rule or rules specified in the bill introduced under this subsection by passing the bill. The Legislative Assembly by amendment of the bill may approve only some of the specified administrative rules or may approve only part of a specified rule. Any administrative rule or part of a rule not approved by the passage of the bill has no further force or effect after adjournment sine die of the legislative session in which the bill is introduced.

(c) A bill introduced under this section must receive at least one hearing in the Senate and must be submitted for a vote in the Senate before adjournment sine die of the legislative session in which the bill is introduced.

(4) (a) Disapproval of an administrative rule or part of a rule under subsection (3) of this section does not prevent a state agency from thereafter adopting another rule pertaining to the issue or issues addressed by the disapproved rule. If a state agency adopts an administrative rule or rules addressing the same issue that was the subject of a rule that was disapproved under subsection (3) of this section, the President of the Senate shall cause to be prepared and introduced in the Senate a bill approving the rule or rules. The bill shall be introduced at the next following regular session of the Legislative Assembly after the effective date of the administrative rule. If the administrative rule becomes effective during a regular session of the Legislative Assembly, the bill required by this subsection must be introduced at the regular session of the Legislative Assembly next following the session during which the rule becomes effective.

(b) The Legislative Assembly may amend a bill introduced under this subsection in the same manner as provided for bills introduced under subsection (3) of this section. Any administrative rule or part of a rule not approved by the passage of the bill has no further force or effect after adjournment sine die of the legislative session in which the bill is introduced. If an administrative rule or part of a rule is disapproved under the provisions of this subsection, any rule adopted by a state agency that addresses the same issue that was the subject of the disapproved rule is of no force and effect until such time as the Legislative Assembly by law approves the rule.

(c) A bill introduced under this section must receive at least one hearing in the Senate and must be submitted for a vote in the Senate before adjournment sine die of the legislative session in which the bill is introduced.

(d) Any person may seek judicial review of a determination made by the President of the Senate as to whether an administrative rule addresses the same issue that was the subject of a rule that was previously disapproved under subsection (3) of this section. Any person may seek a judicial determination as to whether an administrative rule adopted by a state agency after disapproval of a rule under this subsection addresses the same issue that was the subject of the disapproved rule. In any proceeding for judicial review under this subsection, the court shall liberally construe the language of a rule in favor of a finding that the rule addresses the same issue that was the subject of a previously disapproved administrative rule. The Legislative Assembly shall by law provide a process for seeking judicial review under this subsection.

(5) Any bill introduced under this section is subject to veto by the Governor in the manner provided by section 15b, Article V of this Constitution. If the Governor vetoes a bill introduced under this section, the administrative rule or part of a rule specified in the bill shall be considered disapproved for the purposes of this section unless the Legislative Assembly overrides the veto in the manner provided by section 15b (2), Article V of this Constitution.

(6) Nothing in this section affects any right of a person to seek judicial review of any administrative rule as otherwise provided for by law.

(7) As used in this section:

(a) 'Administrative rule' means any state agency directive, standard, regulation or statement of general applicability that implements, interprets or prescribes law or policy, or that describes the procedures or practices of a state agency, but does not include:

(A) Executive orders; or  
(B) State agency internal management directives, regulations or statements if those directives, regulations or statements do not substantially affect the interests of members of the public.

(b) 'State agency' means any elected or appointed state officer, board, commission, department, agency or institution, except those in the legislative and judicial branches.

2

# Measure No. 2

## EXPLANATORY STATEMENT

Ballot Measure 2 would amend the Oregon Constitution to create a new process to review administrative rules by the Legislative Assembly upon the petition of at least 10,000 qualified voters. Administrative rules are state agency directives, standards, regulations, or statements that implement, interpret, or prescribe law or policy, or describe state agency procedures. Administrative rules do not include executive orders or internal management directives.

A petition under the measure must be filed with the Secretary of State. The petition may challenge more than one rule, but all rules challenged by the petition must relate to one subject only and to matters properly connected with that subject.

The Secretary of State must give notice to the President of the Senate of the filing of a petition meeting the requirements of the measure. The President of the Senate must then introduce a bill for approval of the rule or rules at the next following regular session of the Legislative Assembly. If the petition is filed during a legislative session, the bill must be introduced at the next following regular legislative session.

The Legislative Assembly may approve an administrative rule by passing the bill introduced by the President of the Senate. The Legislative Assembly, by amendment of the bill, may approve only some of the rules specified in the bill, or approve only part of a rule specified in the bill. Any administrative rule or part of a rule that is not approved by the passage of the bill has no further force or effect after the final adjournment of the legislative session in which the bill is introduced.

The disapproval of an administrative rule does not prevent a state agency from thereafter adopting another rule pertaining to the same issue addressed by a disapproved rule. However, if an agency adopts another rule pertaining to the same issue, the President of the Senate must introduce a bill to approve the new rule. The bill is subject to the same conditions and has the same effect as a bill submitted pursuant to a petition filed under the measure.

The measure allows any person to seek judicial review to determine whether an administrative rule adopted by a state agency addresses the same issue that was the subject of a previously disapproved rule.

If the new rule or any part of the new rule once again fails to gain approval, the agency loses its authority to adopt rules on that subject without prior Legislative approval.

All bills introduced under the measure must receive at least one hearing in the Senate and must be submitted for a vote in the Senate before the final adjournment of the legislative session.

All bills introduced under the measure are subject to veto by the Governor. If the Governor vetoes a bill introduced under the measure, the administrative rule or rules specified in the bill are disapproved unless the veto is overridden by the Legislative Assembly in the manner provided by the Oregon Constitution.

**Committee Members:**

Larry George  
David Hunnicutt  
Gail Achterman  
Robert Liberty  
Phillip Grillo

**Appointed by:**

Chief Petitioners  
Chief Petitioners  
Secretary of State  
Secretary of State  
Members of the Committee

*(This committee was appointed to provide an impartial explanation of the ballot measure pursuant to ORS 251.215.)*

2

# Measure No. 2 Arguments

## ARGUMENT IN FAVOR

In ancient Athens, rulers had to post all laws, so people could know what actions could lead to their arrest. One clever tyrant wrote them in very small print, and posted them on a very tall pole! Since people no longer knew the laws, he could arrest his opponents at will.

We have a like system today. Go to the Oregon Revised Statutes (Section 657.072) and you'll find the law says nonprofit organizations don't have to pay unemployment taxes. But go to the Administrative Rules of this section, and you'll find that these groups DO have to pay unemployment taxes! **Observe the law and you're in violation of the rules, which have the force of law!**

There's an explanation, but here's the point. Unelected, unaccountable bureaucrats write and adopt thousands of rules, **all carrying the force of law**. Legislators like this because it gets them off the hot seat on controversial issues such as nonprofits having to pay unemployment taxes. But we elect **Legislators** to make laws, to make the tough decisions, not the bureaucrats!

Measure 2 provides a mechanism to force the Legislature to approve or disapprove controversial Administrative Rules. We support it for a couple of Biblical reasons.

First, the Scriptures exhort us to **truthfulness** (Pr. 23:231 Cor. 13:6) and **diligence** (Pr. 12:27) in our callings. Romans 12:8 cites diligence as a basic requirement for leaders. It's something less than truthful or diligent for someone elected to pass laws to give the dirty work to bureaucrats.

Second, our system of electing representatives to make laws is rooted in the Bible. Administrators are good in their place. But this Measure **restores accountability** to those who were elected by the people. It's a small but positive step in restoring the kind of representative government envisioned by our Founding Fathers and taught in the Bible.

Prepared by the **Parents** Education Association, a family-based Biblical alternative to the National Education Association.

*(This information furnished by Dennis R. Tuuri, Parents Education Association.)*

*(This space purchased for \$500 in accordance with ORS 251.255.)*

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## ARGUMENT IN FAVOR

### VOTE YES ON MEASURE 2

Whether you belong to the Democrat, Republican, Reform, Libertarian, Independent, or Green Party, Measure #2 is right for you.

No matter who controls the state legislature, citizens are locked out of the process as long as the state bureaucrats hold the power of administrative rules.

Administrative rules are just like laws passed by the elected officials, except they are proposed and adopted by non-elected state agencies. They are insulated and immune from the scrutiny of the voter.

Voters can change the Constitution  
Voters can change the state statutes passed by legislators  
Voter **cannot** change administrative rules

That's wrong.

Measure 2 creates an open, fair process that allows the citizens to require the legislature to review and vote on administrative rules.

Measure 2 is fair, open, and citizen driven. The special interests will hate it, but Oregonians should demand it.

Citizens For Accountability in Administrative Rules urges you to vote:

**Yes on Ballot Measure 2.**

*(This information furnished by Larry George, Citizens for Accountability in Administrative Rules.)*

*(This space purchased for \$500 in accordance with ORS 251.255.)*

The printing of this argument does not constitute an endorsement by the State of Oregon, nor does the state warrant the accuracy or truth of any statement made in the argument.

# Measure No. 2 Arguments

## ARGUMENT IN FAVOR

### Administrative Rules:

#### Laws created with no vote / Laws with no accountability

**Administrative Rules** are laws created by non-elected bureaucrats in Salem.

Administrative rules are laws that have the same force and effect as laws passed by elected officials except that there is:

- No Vote by Your Elected Officials
- No Vote of the People
- No Accountability to the Citizens

**Ballot Measure #2** sets up a simple review and approval process for administrative rules:

If 10,000 citizens say they want to have their elected officials review a rule, then the legislature is required to review the administrative rules.

#### Measure #2 creates citizen driven accountability.

A "Yes" vote creates a process to allow Oregonians to require accountability in administrative rules.

If you have any questions about the process created by Measure #2, please read the "explanatory statement" written and agreed to by both proponents and opponents of Measure #2. You will see that Measure #2 creates a simple and fair process open to all Oregonians.

*(This information furnished by Larry George, Citizens for Accountability in Administrative Rules.)*

*(This space purchased for \$500 in accordance with ORS 251.255.)*

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## ARGUMENT IN FAVOR

The Oregon Education Coalition urges you to vote yes on Measure 2.

As a grass roots education reform organization, we talk with hundreds of parents and community members each month about their hopes for Oregon's public school system, and their ideas for how it can be improved.

What most people don't know is that a major obstacle to improving our schools is the Byzantine maze of administrative rules written by un-elected bureaucrats. These rules have tied the hands of Oregon's school administrators and Oregon's thousands of talented and competent classroom teachers.

These rules have the force of law, yet were never voted upon by the legislature.

The process by which these rules are written and established is dominated by special interest groups, which know that by controlling the rule writing process, they can essentially make law circumventing the legislative process.

Worse, the ability for school administrators, parents and teachers to change rules that they find harmful (but that special interest groups find useful) is limited so severely as to make it next to impossible.

But Measure 2 solves this problem. It establishes a responsible, fair process by which citizens can get the legislature to review administrative rules that are not productive.

Measure 2 will increase citizen involvement in our government, and help citizens regain authority that has been consolidated in state agency bureaucracies.

Special interest groups will urge you to vote no on Measure 2, because their wishes are quite well served by the current system, which they find easy to dominate.

The Oregon Education Coalition urges you to vote YES on Measure 2

*(This information furnished by Rob Kremer, Oregon Education Coalition.)*

*(This space purchased for \$500 in accordance with ORS 251.255.)*

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# Measure No. 2 Arguments

## ARGUMENT IN FAVOR

### PROTECT OUR NEIGHBORHOODS – VOTE YES ON MEASURE #2

The Neighborhood Preservation Committee is working to bring more notification, more information and more citizen control to Oregon's land use planning process.

Special interest groups are controlling the destiny of neighborhoods all over the Portland/Metro area, and all over Oregon.

**Administrative rules**, passed by a non-elected commission in Salem, are requiring higher and higher housing densities in existing neighborhoods.

These high-density housing "administrative rules" are forcing over-crowding of schools, more traffic congestion, loss of open space, and other problems, all with little public notice, and with little public input.

Measure #2 would allow neighborhoods to challenge administrative rules to protect and maintain their communities.

Measure #2 would require the special interests groups to work with neighborhood groups, and would require accountability in the process.

**If you care about your neighborhood, if you care about accountability, if you care about citizen involvement in the land use planning system, please vote yes on Measure #2.**

*(This information furnished by Kathryn Schiele, Neighborhood Preservation Committee.)*

*(This space purchased for \$500 in accordance with ORS 251.255.)*

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## ARGUMENT IN FAVOR

### Administrative Rules Are The The Laws of Narrow Special Interests

Break the Special Interest Stranglehold on State Government – Vote Yes on Measure #2.

Administrative Rules are laws passed by non-elected bureaucrats in Salem. These rules are passed without a vote of the people, without a vote of your elected officials, and without adequate opportunities for you to participate in the process.

**As a result, special interests control the "administrative rules" process behind the scenes.**

Many times the Legislature will pass intentionally vague laws so that special interests can work with the state agencies and draft special provisions for the special interest groups to get their way. These special provisions would never pass under the scrutiny of the public process with elected officials who are accountable to the citizens.

**Special interests get their way, the politicians can duck tough issues – and Oregon citizens are left out of the process.**

Measure #2 creates a simple process so that Oregon citizens can require the legislature to vote on the laws created by the bureaucracy. No more avoiding the tough vote by passing the buck to the state agencies.

**Measure #2 holds the special interests and the politicians accountable – Oregonians are entitled to that.**

*(This information furnished by Larry George, Citizens for Accountability in Administrative Rules.)*

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# Measure No. 2 Arguments

## ARGUMENT IN FAVOR

### Protect the Oregon Family Farm Vote Yes on Measure #2

It is wrong for small family farmers and ranchers to be locked out of the process because we do not have powerful, high-paid lobbyists lurking the halls of state agencies.

Powerful special interest groups have a great deal of influence and power over administrative rules (laws created by state agencies).

Powerful special interests lobby for and testify in favor of state agency budgets, then those state agencies write administrative rules (laws) which benefit special interests.

Some administrative rules threaten the very existence of the small Oregon farmer. One administrative rule says that a small farmer isn't a farmer unless he/she makes \$100,000 per year -- state agencies believe that 80% of Oregon's family farmers are not farmers at all, just because they aren't corporate farms that make a lot of money. The \$100,000 rule doesn't make sense in agriculture, and it is bad public policy.

Measure #2 create a process which opens up administrative rules to a public process -- a process to assure elected legislators have the final say on lawmaking, as intended in the Oregon Constitution.

In the legislative process there are checks and balances, and there is accountability. Measure 2 allows the family farmer the opportunity to require agency laws to go through the same Constitutional process as every other law. Where the elected lawmakers make the laws.

Protect Oregon's family farmers by voting for accountability in state government, vote YES on Measure #2.

*(This information furnished by Dave Hunnicutt, Oregon Family Farm PAC.)*

*(This space purchased for \$500 in accordance with ORS 251.255.)*

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## ARGUMENT IN FAVOR

### Did you know that non-elected bureaucrats can:

- Raise fees that cost you money
- Allow polluters to foul our air and water
- Stop you from voting on local issue

The sad truth is that new rules are made every day.

And our elected officials are powerless to do anything about it.

They're called administrative rules.

Currently, numerous boards, commissions, and state agencies create administrative rules. The average voter doesn't know where they come from, who made them up, or even why we don't have some control over the agencies we created.

That's why we need to pass Measure 2.

### Measure 2 is About Citizen Involvement

Measure 2 simply allows citizens to gather signatures on a petition. If enough signatures are gathered, the legislature is required to review administrative rules we think are unfair, unwise, too weak, too heavy handed, or too costly.

Like the rule that allow companies to dump toxic sludge in our rivers.

Or the one that says a barber can't let his dog lie in the corner of his shop.

Measure 2 Doesn't Change One Single Rule that Already Exists

### But it does give citizens a voice...

A chance to tell the Legislature that our beliefs and feelings are being ignored...

A chance for average citizens to take control away from special interest groups.

### Vote Yes on Measure 2

### Vote Yes for More Citizen Involvement

*(This information furnished by Rita Swyers.)*

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# Measure No. 2 Arguments

## ARGUMENT IN FAVOR

### Don't Let Special Interests Mislead You

How can a ballot measure that gives the people the power to petition their state government be anything but good?

Special interests will try to tell you giving citizens the right to challenge state agency "laws" as a bad thing -- Don't let them mislead you!!!

**Measure 2 gives power back to the citizens**

**Measure 2 can save the taxpayers money**

**Measure 2 restores the checks and balances in state government**

**Measure 2 breaks the "special interest" control in state government**

Thirty-three other states have now adopted laws requiring review of state agency laws, because this is good public policy.

Special interests know that Measure 2 would break their monopoly on state agency lawmaking. If you hear outrageous claims against Measure 2, remember, they are from special interests who have a great deal to lose when we allow and encourage citizen involvement in state government.

Vote Yes for Citizen Involvement

Vote Yes on Measure 2.

*(This information furnished by Frank Nims, Oregonians In Action.)*

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## ARGUMENT IN FAVOR

### Help Protect The Family Farm Vote Yes on Measure 2

Measure 2 will help small farmers have a voice in state government, a voice we do not currently have.

Measure 2 creates a process that should already be the law, and one that many other states already have.

**Measure 2 will help in several important ways:**

- 1) Measure 2 would make state government more accountable to Oregonians
- 2) Measure 2 would counteract special interests' and lobbyists' influence
- 3) Measure 2 would open-up state government

Administrative rules are laws, just like those laws passed by a majority of our state senators and state representatives, and eventually approved by the governor -- but administrative rules do not go through the careful "checks and balances" of the legislative process.

Simply put: state agencies are writing laws. State agencies are lobbied and influenced by special interests and there are very few ways that the average citizen can influence this process. Measure 2 fixes this problem.

Family farmers have found that state agencies react to special interest lobbying and protect moneyed interests, many times to our detriment.

Rules have even been written to specifically limit small family farms. This must stop. It is not fair, and it not good public policy. Measure 2 will help fix this problem.

**The Oregon Family Farm PAC urges you to vote YES on Measure 2**

*(This information furnished by Dave Hunnicutt, Oregon Family Farm PAC.)*

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# Measure No. 2 Arguments

## ARGUMENT IN FAVOR

**The Oregon Association of REALTORS® supports Ballot Measure 2.**

Administrative agencies adopt rules that have the same effect on Oregonians as laws passed by the Legislature. These rules are adopted without any oversight or accountability because the bureaucrats that adopt these rules were not elected and cannot be voted out of office.

State administrative rules are usually meant to carry out the laws enacted by the Legislature, not to create new laws. However, administrative agencies use their rule-making powers to create new laws all the time.

Ballot Measure 2 would create oversight and accountability. Ballot Measure 2 requires that any rule challenged by a petition of 10,000 voters would need to be passed by the Legislature and signed by the Governor. Otherwise, the rule would have no further effect. To create a law, the Legislature must pass it and the Governor must sign it. Bureaucrats should be held accountable too!

If the bureaucrats enact a rule that takes away the property rights of Oregonians, the rule could be challenged under Ballot Measure 2. The bureaucrats could be forced to explain the reasons for the rule to the Legislature and to the public. Ballot Measure 2 could help to prevent the enforcement of rules that take away your rights.

Ballot Measure 2 is about fairness, democracy and accountability. Unelected bureaucrats should not have more power over Oregonians' lives than the people elected to the Legislature.

**The Oregon Association of REALTORS® supports Ballot Measure 2 and urges you to VOTE YES on this important issue.**

*(This information furnished by Jana B. Jarvis, Oregon Association of REALTORS.)*

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## ARGUMENT IN FAVOR

**Taxpayer Association of Oregon**

Laws should be enacted by those who answer to the voters.

This is becoming more of the exception rather than the rule. For whatever reason, successive legislatures have essentially given non-elected state agencies enormous powers to affect the lives of our citizens and their businesses, by allowing them to create "administrative rules".

They may call them rules, but they have the force of law. These rules allow bureaucrats to impose arbitrarily large fees, severe penalties and restrictions to which citizens have little recourse.

There are countless stories of Oregonians who have been hit with rules that are often unnecessary ... but also are often unreasonable, unfair, intrusive, counterproductive, or just plain wrong.

Over 124,000 Oregonians have put Measure #2 on the ballot to provide relief from poorly thought out rules. Measure #2 simply provides a way for citizens to require the state legislature to review and vote on the rules.

Measure 2 can force elected officials to exercise oversight and ultimate responsibility for administrative rules, by giving citizens a workable avenue of appeal when they are unfairly abused by the bureaucracy.

Vote Yes on 2.

For more information on the Taxpayer Association of Oregon, visit our website at [www.oregonwatchdog.com](http://www.oregonwatchdog.com)

*(This information furnished by Jason D. Williams, Taxpayer Association of Oregon.)*

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# Measure No. 2 Arguments

## ARGUMENT IN FAVOR

### Oregon Grange

The Oregon State Grange Asks You To Vote Yes On Measure 2.

The Oregon State Grange is the largest grassroots, rural-based fraternal organization in the state with 246 local Granges.

Grange members believe that an open and responsive state government is vital for good government, and that is why we are urging you to vote yes on Measure 2.

No matter what issues you care about, the environment, education, or crime and punishment, Measure 2 gives Oregon citizens more power over their state government.

Citizens Should Have The Right To Petition Their Government.

Oregon was the first state to give its citizens the right to circulate petitions to change state law. The Grange was the first organization to fight for this important right in Oregon. Direct democracy has been a proud Oregon tradition for over 90 years.

Over the past 30 years we have seen a substantial growth in "administrative rules". Administrative rules are laws created by non-elected state bureaucrats who work in state agencies. Currently no process exists for citizens to petition their state government to review administrative rules. Measure 2 corrects this problem.

Measure 2 will require the Legislature to review "administrative rules" when citizens disagree with the actions of bureaucrats and then take action.

Measure 2 is about giving you more say over what happens in Salem. The Oregon State Grange urges your "Yes" vote on Measure 2.

*(This information furnished by Catherine Johnston, The Oregon State Grange.)*

*(This space purchased for \$500 in accordance with ORS 251.255.)*

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## ARGUMENT IN FAVOR

### Support People's Oversight on Government Regulations Vote Yes on Measure #2

**People elect officials to represent them!**

Elected officials are to represent the wishes of the people who elected them, and in most cases they pass laws that reflect the people's needs. Ballot Measures passed by the people, also become laws of the state. However, some state agencies ignore the people's voice and the legislative "intent" of law when they produce "administrative rules."

**Non-elected bureaucrats create laws!**

Administrative rules created by state agencies allow special interests and personal agendas to be implemented. This rulemaking avoids the voters, and avoids the check and balances of the legislature. Bureaucrats who work for state agencies are not elected by the public and therefore are not held accountable to the public. They create "law" by creating rules which govern the citizens of the state.

**What is wrong with making agencies accountable?**

Even elected officials cannot control the state agencies' rule making process. Measure #2 creates a straightforward, simple process which allows the citizens to challenge and require the legislature to review administrative rules. It is simple, it fair, and is long over due. People and the Legislature deserve accountability from state agency rule makers.

**How much will it cost?**

Do not let opponents fool you by saying that Measure #2 would cause long legislative sessions at a huge cost to state government. That simply is NOT the truth. If Measure #2 passes, state agencies will soon learn to create and administer rules with the "full and clear intent" of law the first time around so challenges to their rules become unnecessary.

**Measure #2 allows for much needed accountability.**

**The Oregon Cattlemen's Association strongly urges you to support Measure #2**

*(This information furnished by John V. Hays, Oregon Cattlemen's Association.)*

*(This space purchased for \$500 in accordance with ORS 251.255.)*

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# Measure No. 2 Arguments

## ARGUMENT IN FAVOR

I've been there; I have seen the special interests in action, and I urge you to vote yes on Measure #2!

In the early 1990's, I was elected to serve in the Oregon House of Representatives. I quickly realized that the special interest's secret that most Oregonians are unaware of is the administrative rules process.

**Administrative rules are laws, but elected officials do not create these laws.**

Administrative rules are created by non-elected bureaucrats in state agencies who are not accountable to the Oregon voter.

**Special Interests** like administrative rules because they can get laws outside public scrutiny.

**Career Politicians** like administrative rules because they can pass the responsibility for these laws on to the state agencies, and the politician can avoid public accountability.

In the 1993 legislative session, I tried to get a similar measure referred to the people through the legislature: career politicians and special interests killed the proposal. Finally, the citizens have said enough and collected the signatures needed to demand accountability in Oregon's administrative rule process.

Please Vote Yes for Accountability

Vote Yes for Measure #2

Fred Girod  
Former State Representative  
District #30

*(This information furnished by Fred Girod.)*

*(This space purchased for \$500 in accordance with ORS 251.255.)*

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## ARGUMENT IN FAVOR

**Strengthen Citizen Involvement – Vote Yes on Measure 2**

**Citizen Involvement and Legislative Review are Good Things, Unless You're a Special Interest Group**

In the next few pages, you will read arguments from special interest groups talking about how the sky will fall if Measure 2 passes. What a joke.

**All Measure 2 does is give you, the average citizen, the right to force your legislature to review an administrative rule passed by a non-elected board or commission.** As citizens, we have the right to demand that our elected representatives take control over the laws they pass. Under our current laws, once the legislature creates a law, the non-elected boards and commissions take over, and the legislature (and citizens) loses all authority to make sure their law is carried out in the way it was intended.

**Administrative rules are adopted by political appointees**

The commission and boards that create administrative rules are filled with political appointees who supported the political winners in the last election. These people are not elected, are not accountable to the voters, and usually have a political agenda just like a legislator.

Unfortunately, although the boards and commissions are as political as the legislature, they are not elected, and the public has no way to review their actions. This is wrong.

**Who will oppose Measure 2**

Special Interests and extremist organizations.

The same people who oppose Measure 2 are those who opposed the citizen notification law, Ballot Measure 56. These extremists said notifying citizens of zoning changes to their property would "gut" Oregon's land use planning system. Oregonians rejected these outrageous claims and passed Measure 56 by over 80%. Measure 56 has strengthened citizen involvement – and so will Measure #2.

How can a Measure which requires a citizen petition and a legislative review be bad? If you do not like the scrutiny of public opinion! Reject the outrageous claims of special interests, Vote Yes on Measure #2.

*(This information furnished by Larry George, Citizens for Accountability in Administrative Rules.)*

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# Measure No. 2 Arguments

## ARGUMENT IN OPPOSITION

**THE LEAGUE OF WOMEN VOTERS  
URGES YOU TO VOTE NO ON MEASURE 2**

The League of Women Voters of Oregon asks you to oppose Measure 2.

Measure 2 would be an unnecessary and dangerous addition to Oregon's Constitution. Administrative rules are written to implement law made by the Legislature. Oregon's Constitution should not be cluttered with such legislative and administrative matters.

**UNNECESSARY**

Administrative rules are written to prevent agencies from arbitrarily or capriciously interpreting statute. Current law provides safeguards to the administrative rule-making process. It requires state agencies to give notice of rule-making, to disseminate proposed rules to interested parties, to hold public hearings. Current law provides both legislative and legal remedies to citizens believing an agency has exceeded its authority.

Oregon voters and the Oregon Legislature have repeatedly opposed creating a new process for legislative review of administrative rules. All state agencies would be affected including those dealing with public health, safety, the environment.

**DANGEROUS**

Unlike earlier ballot measures and bills introduced into the Legislature, Measure 2 would allow as few as 10,000 voters to petition the Legislature for a review of an administrative rule or rules. An individual or corporation with paid signature gatherers could file such a petition. Because Committee Chairs have the choice to hear or not to hear a bill, the bill/petition might never have a hearing. The dangerous result would be that the bill/petition in Measure 2 language "has no further force or effect after adjournment". The petition would, in such a situation, render the administrative rule null and void -- without any hearing at all.

This provision of Measure 2 raises the potential for an agency rule being negated without any public response what so ever.

Measure 2 is not in the public's interest. It is bad public policy. It is both unnecessary and dangerous.

The League of Women Voters of Oregon urges you to vote NO on Measure 2.

*(This information furnished by Paula Krane, President, League of Women Voters of Oregon.)*

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## ARGUMENT IN OPPOSITION

**THE ACLU OF OREGON  
URGES YOU TO  
VOTE NO ON MEASURE 2**

**Measure 2 is anti-democratic**

Currently, rule making in Oregon is an open process with public hearings and opportunities for citizens to work with public agencies to craft responsible rules. Measure 2 will allow rules that have been created in an open process to be nullified behind closed doors.

**Measure 2 reduces political accountability**

Measure 2 will allow a small number of voters to send state agency rules into limbo without any political accountability. Under our current system the presumption is that making or amending law requires action by the legislative and executive branches of government. However, Measure 2 reverses that presumption by allowing the **non-action** of the Legislature (i.e., not considering an administrative rule) to have a legislative effect—nullifying the rule.

**Measure 2 undermines the balance of powers among our branches of government**

Our constitutional form of government requires checks and balances among the three branches of government: executive, legislative and judicial. The ACLU of Oregon believes the separation of powers doctrine is essential to protecting the Bill of Rights because it keeps any one branch of government from becoming too powerful. Measure 2 inappropriately gives the Legislature the power to override executive branch decisions without requiring a vote of both houses of the legislature.

**Measure 2 is not necessary**

Checks and balances on administrative rules already exist. Under our current system, the Legislature already has the power to change an administrative rule – by changing the enabling law. Additionally, there already is a process for citizens to challenge administrative rules in court.

**Please VOTE NO on Measure 2**

For more information write to the Oregon ACLU  
at PO Box 40585, Portland, OR 97240  
or go to [www.aclu-or.org](http://www.aclu-or.org)

*(This information furnished by David Fidanque, American Civil Liberties Union of Oregon.)*

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# Measure No. 2 Arguments

## ARGUMENT IN OPPOSITION

**Oregon Recreation & Park Association  
Oregon Parks Association  
Oppose Measure 2**

The Oregon Recreation & Park Association and the Oregon Parks Association, organizations representing over 500 professional members that provide park and recreation services throughout the state, urge you to vote "NO" on Measure 2.

Measure 2 is aimed at radically altering the governing process in Oregon. **It amends the Oregon Constitution to allow special interests to overturn any administrative rule. It could increase the cost of government while creating an unpredictable and unstable environment for business, government and ordinary citizens.** Measure 2 is a devious end run, aimed at universally accepted functions of representative government.

Oregon currently has over 12,000 administrative rules that implement legislation including: provisions for parks, trails and open space; land use goals, environmental protection; the Oregon Health Plan; local taxing authority; and more. Measure 2 could allow special interests to overturn any of these rules without a vote of the Legislature or the people.

The measure would require the Legislature to review any administrative rule that someone challenges by collecting only 10,000 signatures. At the going rate for signatures this could cost very little. Measure 2 gives special interests a big advantage over ordinary citizens and throws a monkey wrench into the public process of administrative rules setting.

**Measure 2 is a reprise of Measure 65 which was defeated in 1998 by a broad coalition of citizen groups and businesses.** While it was designed as an open and blatant attack on Oregon's land use planning system and sponsored by the anti-land use regulation group Oregonians in Action, it can result in a much broader impact.

Ballot Measure 2 is unnecessary, unreasonable, undemocratic and Oregon's voters should reject it.

**Save Oregon's Administrative Rules Process.  
Vote "NO" on Measure 2.**

**Oregon Recreation & Park Association  
Oregon Parks Association**

*(This information furnished by Stephen A. Bosak, Oregon Recreation & Park Association, Oregon Parks Association.)*

*(This space purchased for \$500 in accordance with ORS 251.255.)*

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## ARGUMENT IN OPPOSITION

**Working Families Only Stand To Lose From Measure 2  
Vote NO on Measure 2**

Many of Oregon's administrative rules directly affect the workplace of Oregon's workers - and many more affect and protect workers in their homes and in their neighborhoods. Measure 2 would give corporate or wealthy interests a tool with which to undermine these protections and safeguards.

Under Measure 2, any rule that protects the safety and health of Oregon's employees while on the job; that ensures evenhanded enforcement of minimum wage or anti-discrimination laws; that provides for fair handling of employer/employee disputes - all these rules could be in jeopardy.

Off the job, workers become citizens, residents, and consumers. Measure 2 provides an open door for special interests that want to undermine consumer protections, pollution controls, land use agreements, and other important safeguards of our quality of life in Oregon.

There is no need to jeopardize all of these important worker and consumer protections when the legislature already has the power to override the rule-making process with legislation. Measure 2 is unnecessary!

**VOTE NO ON MEASURE 2**

This voters pamphlet statement brought to you by the

Oregon AFL-CIO  
OPEU, SEIU Local 503

*(This information furnished by Rich Peppers, Oregon Public Employees Union, SEIU Local 503.)*

*(This space purchased for \$500 in accordance with ORS 251.255.)*

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# Measure No. 2 Arguments

## ARGUMENT IN OPPOSITION

### STATEMENT BY FORMER OREGON GOVERNORS MARK HATFIELD AND VIC ATIYEH In Opposition to Measure 2

We each have decades of experience in government, both as lawmakers and as Oregon's chief executive. That experience leads us to oppose Measure 2 for several reasons:

**First, the measure is unnecessary.**

The Oregon Legislature already has a process for reviewing administrative rules they consider inappropriate. State law already allows anyone affected by administrative rules to challenge them in court; if the court finds the rules exceed the authority granted the agency by the Legislature, it can invalidate those rules. Finally, the Legislature may pass legislation at any time to repeal or amend administrative rules they find objectionable.

**Second, it is undemocratic.**

Measure 2 creates a process by which a small number of petition signers, combined with a minority of the Legislature, can block the execution of laws passed by the full Legislature. This is not democratic.

**Third, it gives the Legislature new and inappropriate power over the executive branch.**

The Governor and the state agencies he or she directs are charged with carrying out the laws passed by the Legislature. Measure 2 would allow a small number of petitioners and a single powerful chair of a legislative committee to invalidate the rules state agencies adopted in order to carry out the laws. Measure 2 would give the Legislature the power not only to adopt the laws but also to control their administration. This is too much power in one branch of government.

**Fourth, this measure does not belong in our state Constitution.**

Our state Constitution, like our national Constitution, should be reserved for fundamental principles and the essential structures of government. We should not amend our Constitution to add an unnecessary and troubling provision like Measure 2.

We urge you to join us in voting "no" on Measure 2.

**Mark Hatfield**  
Governor of Oregon, 1959–1967  
U.S. Senator 1967–1996

**Vic Atiyeh**  
Governor of Oregon, 1979–1987

*(This information furnished by Mark Hatfield.)*

*(This space purchased for \$500 in accordance with ORS 251.255.)*

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## ARGUMENT IN OPPOSITION

### OREGON'S BUSINESS COMMUNITY URGES YOU TO VOTE NO ON MEASURE 2

As members of Oregon's business community, we are proud of our role making Oregon work. Oregon succeeds when business, government and citizens can work in a partnership, creating an environment that makes our state a great place to live and do business.

For business, a critical part of that environment is a stable, rational system for making rules we must follow on a day-to-day basis. That includes health and safety rules, tax accounting procedures, air and water pollution control, food growing and packaging standards, and just about anything to do with employees' insurance coverage.

Right now, these rules are made by Departments, Board and Commissions that have expertise in their respective areas. And there is a process for us and everyone else to work with those officials as rules are drafted. We may not always agree with them. But there is a process to appeal. Most important, the system is stable and predictable.

Without that stability, Oregon would be a much less attractive state in which to do business. And it's precisely that stability which Measure 2 would destroy. It is a threat to every Oregon business -- from small family farmer to major corporation -- and those who are employed by them. Imagine playing a game where the rules changed whenever someone with an axe to grind didn't like them. It would create an intolerable situation which would threaten Oregon's strong economy.

Measure 2 is poorly written and has no place in Oregon's Constitution. Whatever the proponents of this measure intended, it will do much that is unintended. We urge you to defeat measure 2.

### VOTE NO ON MEASURE 2 BAD FOR BUSINESS. BAD FOR OREGON.

Oregon Business Association  
Northwest Environmental Business Council  
Fred Miller, Portland General Electric  
Bill Williams, Bear Creek Corporation  
Brett Wilcox, Northwest Aluminum  
Jim Johnson, Intel Corporation

*(This information furnished by Nik Blosser, Oregon Business Association.)*

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# Measure No. 2 Arguments

## ARGUMENT IN OPPOSITION

### Oregon Police and Prosecutors Say MEASURE 2 ENDANGERS PUBLIC SAFETY

A dangerous initiative on the ballot this November could find a hiding place in Oregon's Constitution and steal away many of the crucial protections that keep our communities safe.

Measure 2 seems innocuous enough. After all, what could be wrong with letting the Legislature review administrative rules?

Plenty, as it turns out. For one thing, it is totally unnecessary. There are already many checks and balances on the administrative process, and many ways to challenge rules with which you do not agree. For another, it could tie the Legislature and the courts up with frivolous and petty challenges to all kinds of rules. There is certainly no need to put this untested scheme in our Constitution.

Moreover, Measure 2 is not really about reviewing rules. It's about repealing them—without giving the people an opportunity to have their say.

**Under Measure 2, hundreds of rules that protect the public from dangerous criminals and ensure justice for law-abiding citizens could be repealed without a vote of the people or the Legislature.**

That would be a crime.

What are some of the rules that could be put at risk under Measure 2's undemocratic process?

- Sentencing guidelines.
- Sex offender registration and community notification requirements.
- Rules governing crime victim compensation.
- Minimum standards for employment as a law enforcement officer.
- Regulations governing prison terms, parole, and post-prison supervision.

Protect yourself. Don't be fooled by this measure.

### VOTE NO ON MEASURE 2.

Sheriff Ris Bradshaw  
Clackamas County

Sheriff Dan Noelle  
Multnomah County

Sheriff John Pardon  
Douglas County

Sheriff Stan Robson  
Benton County

*(This information furnished by Sheriff Dan Noelle.)*

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## ARGUMENT IN OPPOSITION

### GOVERNOR JOHN KITZHABER URGES YOU TO VOTE NO ON MEASURE 2

Dear Fellow Oregonians,

Measure 2 is another huge waste of taxpayer dollars that doesn't even solve a problem. Citizens already have plenty of ways to challenge administrative rules in Oregon. And Measure 2 doesn't just waste money – it will let any special interest or individual with an axe to grind tie up our Legislature and our courts with frivolous and petty challenges to all kinds of rules.

For instance, polluters could block rules protecting clean air and safe drinking water and requiring the cleanup of toxic waste, all without a vote of the people or the Legislature. And Measure 2 would lock all these costly and dangerous things in the Oregon Constitution.

I urge you to vote "no" on measure 2 this November.

### KEEP OREGON'S ECONOMY AND ENVIRONMENT HEALTHY VOTE NO ON MEASURE 2

*(This information furnished by John Kitzhaber, M.D.)*

*(This space purchased for \$500 in accordance with ORS 251.255.)*

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# Measure No. 2 Arguments

## ARGUMENT IN OPPOSITION

### PROTECT THE COLUMBIA GORGE VOTE NO ON 2

The Columbia Gorge is a national treasure that must be protected for our children and future generations.

Passage of Measure 2 could ruin this scenic treasure within a lifetime.

Measure 2 could allow special interests to overturn any state administrative rule that protects the Columbia Gorge from urban sprawl, rampant development, pollution, open-pit mining, or irresponsible clearcutting. For approximately \$10,000 of paid petitioning, special interests could derail existing Gorge protections if the Legislature failed to pass them. Yes, even the Legislature's failure to vote on a rule would result in the rule being overturned.

These are administrative rules that help keep the Gorge a national treasure:

- State rules that implement the Columbia River Gorge National Scenic Area Act.
- Rules that help Gorge communities plan urban growth to ensure livability.
- Rules to protect river corridors and salmon habitat.

Think about your favorite place in the Gorge and the times that you've spent with friends and family at this special place. Now imagine it forever ruined because special interests were able to erase rules that protect the Gorge.

Whether you live in the Gorge or experience it through sightseeing, hiking, picnicking or fishing – whether you go to the Gorge often or just once in a while, it's important to protect this priceless part of our natural heritage.

For big businesses, \$10,000 of paid petitioning would be a small price to pay for unchecked development, mining and logging in the Gorge.

Protect the Gorge and vote "No" on Measure 2.

#### ENDORSERS:

- Nancy Russell, founder, Friends of the Columbia Gorge  
 Dr. John Reynolds, chair, Friends of the Columbia Gorge  
 North Cheatham, orchardist, Hood River  
 Dr. William Bell, Columbia Gorge Community College President,  
 The Dalles  
 Barbara and Robert Bailey, orchardists, The Dalles  
 State Representative Chris Beck  
 Former State Senator Dick Springer

*(This information furnished by Michael Lang, Friends of the Columbia Gorge.)*

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## ARGUMENT IN OPPOSITION

### OREGON CHAPTERS OF THE AUDUBON SOCIETY URGE YOU TO VOTE NO ON MEASURE 2

#### Why Give Special Interests Greater Power To Undermine Oregon's Quality Of Life?

Why is Oregon special? We live here because of our love and respect for the natural world. Historically, Oregon's citizens have fought hard to protect wildlife and wild places.

But Measure 2 takes power away from citizens who want to defend the health of our state's environment and puts it in the hands of wealthy special interests who place their own interests above the rules and laws protecting our quality of life.

#### Measure 2 Devastates Citizens' Ability To Protect Fish And Wildlife Habitat

Measure 2 will let any special interest or individual opposed to protecting fish and wildlife tie up our legislature and our courts with baseless challenges. Polluters could block rules protecting clean air and safe drinking water and requiring the cleanup of toxic waste, and developers could eliminate safeguards for wetlands and streambank protections—all without a vote of the people or the Legislature.

And Measure 2 would lock all these costly and dangerous things in the Oregon Constitution.

#### Measure 2 Has Unknown, Dangerous Consequences

Measure 2 is vague, confusing, and poorly written. It could have devastating effects on the laws that protect our environment, our communities, and the health and safety of all Oregonians.

If Measure 2 passes, we lose our ability to keep our communities good places to live for both wildlife and people.

#### WE URGE YOU TO VOTE NO ON MEASURE 2

- Audubon Society of Corvallis  
 Audubon Society of Portland  
 Cape Arago Audubon Society  
 Central Oregon Audubon Society  
 Columbia Gorge Audubon Society  
 Kalmiopsis Audubon Society  
 Lane County Audubon Society  
 Rogue Valley Audubon Society  
 Salem Audubon Society  
 Siskiyou Audubon Society

*(This information furnished by Ron Carley, Audubon Society of Portland.)*

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# Measure No. 2 Arguments

## ARGUMENT IN OPPOSITION

### OREGON FAMILY FARMERS OPPOSE MEASURE 2

As family farmers and ranchers from every corner of Oregon, we respectfully ask our fellow Oregonians to VOTE NO ON MEASURE 2 to protect Oregon's farm, ranch, and forest lands.

We are Oregonians who make our living by growing crops, livestock, and trees. Oregon's land use planning rules, including farm and forest zoning, are what has protected our land from uncontrolled urban sprawl and rural development. These rules have been essential to maintaining the basic livelihood of thousands of Oregon families who earn their living in agriculture, and have enabled Oregon's farms, nurseries, ranches, and forests to contribute billions of dollars to our state's economy.

### MEASURE 2 WOULD HARM OREGON FARMERS

The sponsors of Measure 2 have made it very clear that they intend to use the measure to weaken or repeal the rules that promote responsible development and protect farm, range, and forest lands from being covered by subdivisions. This would threaten the viability of a major Oregon industry and undermine the quality of life for citizens of our state.

Please vote no on Measure 2.

**Bob & Barbara Bailey**  
Cherries  
Wasco County

**Mark Tipperman**  
Cattle, Timber  
Union County

**Gary L. Harris**  
Onion & Carrot Seeds  
Jefferson County

**Donald Logan**  
Christmas Trees, Hay, Timber  
Washington County

**Lois & Clif Kenagy**  
Row Crops  
Benton County

**David and Diana Lett**  
Wine Grapes  
Yamhill County

**Ambrose & Susan McAuliffe**  
Cattle & Calves  
Klamath County

**Jim Monroe**  
Sheep, Timber  
Linn County

**Dave & Ellen Vanasche**  
Grass and Legume Seed  
Washington County

**Jim Wood**  
Cattle, Horses, Hay, Timber  
Crook County

**J & T Farms**  
Vegetable Seed, Grass Seed, Hay, Grain,  
Commercial Horse Stables  
Marion County

**Jud & Diana Parsons**  
Timber, Christmas Trees, Grass Seed  
Jackson and Marion Counties

**Michael & Susan McCarthy**  
Pears, Apples, Hay, Timber, Cattle  
Hood River County

*(This information furnished by Diana Parsons, Hill Crest Orchards.)*

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## ARGUMENT IN OPPOSITION

### OREGON NURSERY OWNERS AND OPERATORS OPPOSE MEASURE 2

As owners and operators of nurseries, we respectfully ask our fellow Oregonians to VOTE NO ON MEASURE 2 to protect the land base needed for our industry to continue to thrive and provide jobs for Oregonians.

Nurseries in Oregon are mostly small, owner-operated firms, but our industry is making a big contribution to our state's prosperity. Oregon's fast-growing nursery industry is now the largest contributor to our state's \$3.5 billion agricultural economy. In 1998, Oregon trailed only California and Florida in total horticultural production, with a record \$532 million in sales—an increase of 8% over 1997.

Unlike many other agricultural commodities, most of Oregon's nursery products are grown in counties that also have large urban populations. The top five nursery producing counties in the state are Marion, Clackamas, Washington, Yamhill, and Multnomah Counties.

By protecting our industry's land base from uncontrolled urban sprawl, Oregon's land use and farmland protection rules have enabled nurseries to flourish, even in the face of rapid population growth. These rules have been essential to maintaining the basic livelihood of thousands of Oregonians who earn their living in nurseries and other agricultural operations.

### MEASURE 2 WOULD HARM OREGON'S NURSERY INDUSTRY

The sponsors of Measure 2 have made it very clear that they intend to use the measure to weaken or repeal the rules that promote responsible development and protect agricultural land from being covered by subdivisions. This would threaten the viability of Oregon's nursery industry and undermine the quality of life for citizens of our state.

PLEASE VOTE NO ON MEASURE 2.

**Alice Doyle and Greg Lee**  
Log House Plants  
Cottage Grove

**Bob Iwasaki**  
Nurseryman  
Washington County

**Susan Anderson**  
Anderson Gardens  
Hillsboro

**Rod Park**  
Park's Nursery  
Gresham

**Drew Hunter**  
Nursery Operator  
Salem

**Marcus Simantel**  
Retired Nurseryman  
Portland

**Jim Gilbert**  
Northwoods Nursery  
Molalla

*(This information furnished by Greg Lee.)*

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# Measure No. 2 Arguments

## ARGUMENT IN OPPOSITION

### Teachers, Educators and School Boards Urge You to VOTE NO on 2

Professional educators establish rules for school districts to follow with respect to school curriculum, instructional guidelines, teacher licensing and school auditing and accountability. Measure 2 threatens the quality of public education in Oregon by allowing any special interest group to overturn rules without even a vote of the Legislature. We need professional educators, PTA's, teachers, superintendents and local school boards determining what our children learn, not narrow special interest groups.

Administrative rules dealing with curriculum, teacher licensing and other education functions must go through a lengthy, public process before being adopted. Citizens can have extensive input into this process, and rules can be overturned by the Legislature if needed. Measure 2 would throw that careful process completely out of balance by allowing a special interest to put rules at risk.

That's not good government, and it's not good for our children's education system.

In addition, Measure 2 will likely waste taxpayer dollars, impacting the state's ability to fund public education. We should be spending money directly in the classroom, not on lawyers and litigation.

Don't let special interests jeopardize our public school system. Measure 2 has many unintended consequences and does not belong in Oregon's Constitution.

### PLEASE VOTE NO on 2

**Oregon Education Association  
Oregon School Boards Association  
Confederation of Oregon School Administrators  
American Federation of Teachers -- Oregon**

*(This information furnished by Tricia Bosak, Oregon Education Assoc.)*

*(This space purchased for \$500 in accordance with ORS 251.255.)*

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## ARGUMENT IN OPPOSITION

### PROTECT OREGON'S COAST VOTE NO ON 2

How much pride could we take in beaches we couldn't get to, views we couldn't see and rivers and estuaries we couldn't protect? Oregonians have a long tradition of stewardship over our coastal region. Measure 2 could have a devastating effect on Oregon's coast, by drastically eroding the laws designed to protect it.

Measure 2 would allow any special interest with an estimated \$10,000 to spend to place any administrative rule in limbo. These rules are the mechanism that make our coastal protection laws work. We can be certain that if this measure passes, we will see challenges to rules that assure public access and protect coastal resources.

What might Measure 2 do to Oregon's Coast? We would likely see attacks on any or all of the following rules that:

- Enforce Oregon's cherished Beach Law, which keeps our beaches open to all
- Protect public access to the shoreline
- Protect endangered coastal salmon runs and aquatic habitat
- Restrict inappropriate development on crumbling bluffs, dunes, flood-prone areas
- Conserve our estuaries
- Restrict landowners from drastically altering the shoreline for their convenience

### BEWARE UNINTENDED CONSEQUENCES

Measure 2 is so poorly written no one knows just what the consequences would be. But the likely result is that when protections are thrown out to benefit the few, property values, livability and recreational opportunities will be reduced for everyone else.

Those who love Oregon's coast know that administrative rules protect everything from tidepools to scenic overlooks, from riparian areas to mudflats, from beach access to wildlife habitat. As citizens who value Oregon's tradition of coastal stewardship, we urge you to VOTE NO ON MEASURE 2.

Oregon Shores Conservation Coalition  
Kalmiopsis Audubon Society  
Citizens for Orderly Development, Curry County  
Cape Arago Audubon Society  
Oregon Chapter, Surfrider Foundation  
Columbia Deepening Opposition Group  
Citizens For Florence  
Doug Thompson, Astoria City Councilor  
Cheryl Thorp, Curry County Commissioner  
Lori Hollingsworth, Lincoln City Councilor

*(This information furnished by Phillip Johnson, Oregon Shores Conservation Coalition.)*

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# Measure No. 2 Arguments

## ARGUMENT IN OPPOSITION

### SALMON FOR ALL

#### URGES A NO VOTE ON MEASURE 2

Salmon for All knows what is good for the fish is good for the fishermen. Measure 2 would harm fisheries and the economies supported by coastal fisheries. Measure 2 would allow industrial polluters, politicians and special interests to overturn rules that protect salmon, essential fish habitat and water quality.

#### **MEASURE 2 HURTS SALMON MEASURE 2 HURTS OREGON'S FISHERMEN**

Here are five reasons SALMON FOR ALL members want you to join us in voting **NO** on Measure 2.

1. **THREATENS RULES PROTECTING SALMON.** The Oregon Salmon Plan, the Oregon Forest Practices Act, Select Area Fisheries and other key programs that offer protection to salmon will be in jeopardy if Measure 2 passes.
2. **MEASURE 2 DOESN'T BELONG IN OREGON'S CONSTITUTION.** Measure 2 is so poorly written, that it lets any special interest tie up our legislature and our courts with frivolous and petty challenges to all kinds of important rules.
3. **MEASURE 2 IS UNNECESSARY.** Measure 2 wastes the taxpayer's money on a poorly written constitutional amendment that creates more problems than it solves. We already have plenty of ways for citizens to challenge rules.
4. **MEASURE 2 WILL HARM FISHERIES.** Measure 2 could eliminate timing windows for industrial in-water work periods and water quality protections, which will harm salmon.
5. **MEASURE 2 WILL HARM FISHERIES WHICH SUPPORT COASTAL ECONOMIES.** Measure 2 would eliminate rules that protect valuable fisheries.

#### **SAVE SALMON PROTECT OREGON'S FISHERMEN VOTE NO ON 2**

Salmon for All

*(This information furnished by Lovenia Warren, Salmon for All.)*

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## ARGUMENT IN OPPOSITION

### NW STEELHEADERS

#### VOTE NO ON 2

#### **MEASURE 2 HURTS OREGON'S FISH AND FISHERMEN**

Under Measure 2 any special interest or individual with an axe to grind can repeal any kind of rule including important rules protecting fish and fish habitat. All you have to do to put a rule at risk is hire someone to gather 10,000 signatures. This measure would allow special interests and polluters to overturn rules that protect water quality, fish habitat, and fishing regulations.

#### **Important Rules affecting fish that could be overturned:**

- Wildfish Management Policies which protect naturally spawning wild fish.
- All Commercial and Recreational Angler Regulatory Limits

#### **IT'S UNNECESSARY**

Measure 2 doesn't solve a single problem. There are plenty of ways to challenge administrative rules. This just creates another way for special interests to hurt Oregon. Measure 2 allows any rule to be put at risk with only 10,000 signatures – it doesn't even require a vote of the legislature or the people – it's just too dangerous to put into Oregon's Constitution.

#### **IT'S TOO EXPENSIVE**

Oregonians will be spending more money on frivolous and petty challenges to all sorts of rules instead of spending money on important things like education, restoring fish habitat, and public safety. Measure 2 is a waste of taxpayer money. It will be a boon for special interests, polluters and signature gathering firms while average taxpayers like you and me will lose out.

#### **NO ON 2**

#### **IT HURTS FISH**

#### **NW STEELHEADERS SAY VOTE NO ON 2**

Association of Northwest Steelheaders

*(This information furnished by Norman E. Ritchie, P.E., Association of Northwest Steelheaders.)*

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# Measure No. 2 Arguments

## ARGUMENT IN OPPOSITION

### STATEMENT IN OPPOSITION BY FORMER OREGON APPELLATE JUDGES

#### MEASURE 2 IN UNNECESSARY AND HARMFUL

If you find this measure confusing and poorly drafted, you are right. It is. It also threatens unexpected mischief for education, health care, and other public needs.

#### RULES ARE ADOPTED THROUGH AN OPEN PUBLIC PROCESS

The Oregon Legislature often assigns to state agencies the task of interpreting and carrying out laws, sometimes by administrative rules. Agencies can adopt permanent rules only after public notice and giving any citizen the opportunity to comment on the proposed rule. An oral hearing must be held if requested by ten or more people or an association having at least ten members.

#### THE LEGISLATURE CAN ALREADY REVIEW, REPEAL, OR AMEND AGENCY RULES

All new rules are already submitted to the Legislature for review, and lawmakers already "at any time, may review any proposed or adopted rule of a state agency" (ORS 183.725). Moreover, anyone can ask the Legislature to change any rule that departs from the Legislature's policies, without collecting 10,000 signatures.

#### COURTS CAN ALREADY OVERTURN RULES THAT CONFLICT WITH LAWS PASSED BY THE LEGISLATURE

Anyone affected by a rule who believes that it is unauthorized or contrary to a law passed by the Legislature can have it reviewed in court.

We heard many challenges to rules when we were active judges. Oregon courts invalidate rules that are not authorized or are inconsistent with the law.

#### A FEW PEOPLE SHOULD NOT BE ALLOWED TO STOP STATE AGENCIES FROM CARRYING OUT THE LAW

To permit a few people to stop agencies from administering existing statutes would be a radical and harmful departure from Oregon's constitutional separation of powers.

George M. Joseph  
Chief Judge & Judge  
Oregon Court of Appeals  
1977-1992

Hans Linde  
Justice  
Oregon Supreme Court  
1979-1990

William L. Richardson  
Chief Judge & Judge  
Oregon Court of Appeals  
1976-1997

Betty Roberts  
Justice  
Oregon Supreme Court  
1982-1986

Jacob Tanzer  
Justice  
Oregon Supreme Court  
1980-1983

*(This information furnished by Betty Roberts.)*

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## ARGUMENT IN OPPOSITION

### RECREATIONAL AND COMMERCIAL FISHERMEN SAY, VOTE NO ON MEASURES 2 AND 7!

Everyone who cares about the future of fishing in Oregon should **VOTE NO ON MEASURES 2 AND 7.**

Why? It is harmful to Oregon's fish and fishermen.

#### Measure 2 - It's Unnecessary and Too Expensive

- Under Measure 2, any special interest or individual with an axe to grind can put any rule in jeopardy, including important rules protecting Oregon's fish and fish habitat, water quality and even fishing regulations.
- Some important rules which **could be overturned** include;
  - \* Wildlife Management Policies which protect naturally spawning wild fish.
  - \* All Commercial and Recreational Angler Regulatory Limits.
- Measure 2 doesn't solve a single problem, because there are already plenty of ways to challenge Oregon's administrative rules.

#### Measure 7 - Bankrupts Oregon - Reduces Access - Means Less Fish

- Could require taxpayers to **PAY** commercial developers to **NOT** destroy some of Oregon's most precious lakes and rivers. If the state or local county could not "pay up", then critical public resources that protect and replenish our watersheds, and nourish salmon and steelhead streams could be destroyed.
- Would overturn local zoning laws, opening up stream corridors to unregulated development, limiting access to Oregon's best salmon and steelhead rivers.
- Already adopted and reasonable limits on logging development along streams could be overturned. This would harm fish habitat and reduce fish runs.
- Rules ensuring instream flows for fish could **not** be enforced. No water? No fish!

#### VOTE NO ON MEASURES 2 AND 7

#### IT HURTS OREGON'S FISH AND FISHERMEN.

Pacific Coast Federation of Fishermen's Associations (PCFFA)  
Oregon Council of the Federation of Fly Fishers\*  
Oregon Council, Trout Unlimited  
Oregon Trout  
Frank Amato, Frank Amato Publications

\*Only opposed to Measure 2

*(This information furnished by Caroline Fitchett, Oregon Community Protection PAC.)*

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# Measure No. 2 Arguments

## ARGUMENT IN OPPOSITION

### WHAT COULD MEASURE 2 DO? RUIN THE OREGON WE LOVE!

Oregon has the nation's strongest program to manage its growth.

It protects farmland and forestland. It curbs wasteful, sprawling development of endless strip malls that cause traffic congestion. It helps guarantee public beaches and makes more affordable housing available.

How? Through administrative rules. The Legislature itself decided to use rules instead of statutes to assure good planning. And three times, Oregon voters have rejected efforts to repeal this system—even during a recession.

Since they can't win in a fair process, anti-planning extremists are trying to deceive voters, and tilt the playing field by creating a new, dangerous process for repealing critical rules.

#### Measure 2 is Undemocratic and Dangerous

Measure 2 would lock into Oregon's Constitution an undemocratic process which would make it easy for a small group of extremists—or even an out-of-state corporation—to REPEAL the laws that protect our communities and our quality of life.

**MEASURE 2 ALLOWS ANYONE WITH \$10,000 FOR PAID PETITIONING TO OVERRULE THE MAJORITY OF VOTERS—WITHOUT AN ELECTION OR A VOTE OF THE LEGISLATURE.**

No wonder *The Daily Astorian* called Measure 2's predecessor, 1998's Measure 65, "The Frankenstein of ballot measures." (10/1/98)

### LOVE OREGON? VOTE NO ON 2.

Friends of Douglas County  
 Jackson County Citizens League  
 Friends of Linn County  
 Friends of Bend  
 Oregon Shores Conservation Coalition  
 Friends of Eugene  
 1000 Friends of Oregon  
 Friends of Yamhill County  
 Hood River Valley Residents Committee  
 Friends of Polk County  
 Columbia County Citizens for Orderly Growth  
 Citizens for Orderly Development (Curry County)  
 Friends of Benton County  
 Citizens For Florence  
 Friends of Marion County  
 Alliance for Responsible Land Use in Deschutes County

[www.NoOn2and7.com](http://www.NoOn2and7.com)

*(This information furnished by Robert Liberty, 1000 Friends of Oregon.)*

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## ARGUMENT IN OPPOSITION

### MEASURE 2 COULD BE HAZARDOUS TO YOUR HEALTH

There is a lot the supporters of Measure 2 won't tell you. Perhaps they are just interested in avoiding some of the rules they don't like. But in doing so, they could destroy a system that is absolutely critical for safeguarding the health of Oregonians.

Just about everything to do with protecting health and safety in Oregon comes through the administrative rules process. There is a good reason: these rules must be developed by professionals in health care, public health and other specialties. **But if Measure 2 passes, anyone can try to overturn important rules such as:**

- Communicable Disease Control in Day Care Facilities
- Rabies Control
- Confidential Government Reporting of Diseases
- Restaurant or Food Pushcart Inspections
- Tuberculosis Screening and Control
- Immunization Requirements
- Swimming Pool Regulations
- Certification of Public Drinking Water Systems
- Privacy of Medical Records

It is easy to imagine those who wish to increase their profits or reduce their responsibility challenging these rules and hundreds like them. It is also easy to imagine those with ideological agendas using this measure to force their beliefs on others – including trying to limit or disrupt access to family planning or other services that should be a matter between individuals, families and their doctors. **A measure as extreme as this does not belong in Oregon's Constitution.**

This is not a scare tactic: Measure 2 poses a direct threat to the system that protects the public's health in Oregon. It doesn't matter what the authors intended – this is what it actually could do.

**Please don't be reckless with the health and safety of you and your family.**

**Vote NO on Measure 2**

Oregon Nurses Association  
 Planned Parenthood Affiliates of Oregon  
 William Morton, MD, Portland  
 David Fitchett, MD, Albany  
 Eric Dover, MD, Portland  
 Mary Ellen Coulter, MD, Bend  
 Thomas Ewald, MD, Ashland  
 Craig Mather, MD, Ashland

*(This information furnished by Donald Skinner, Planned Parenthood of the Columbia/Willamette.)*

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# Measure No. 2 Arguments

## ARGUMENT IN OPPOSITION

### MEASURE 2 ALLOWS SPECIAL INTERESTS TO REPEAL CRITICAL CLEAN AIR AND CLEAN WATER RULES

This Measure's complicated process favors polluters who want to relax rules that protect Oregon's clean air and water. Because only 10,000 signatures are required to overturn a rule, any polluter with some money can pay a professional signature gathering company to challenge any rule.

#### Measure 2 Threatens Drinking Water

Measure 2 threatens Oregon's clean water rules, which limit the pollution allowed into our rivers, streams, and even our household tap water. Under Measure 2, these rules could be repealed, along with standards for cleaning up toxic pollution that contaminates our rivers and groundwater.

#### Measure 2 Threatens Healthy Air

Oregon's clean air rules have successfully reduced field burning, industrial emissions, and smog. Under Measure 2, polluters who fought these rules could challenge them, along with rules dealing with dangerous toxics like mercury, dioxin, and lead.

#### Measure 2 Doesn't Solve any Problems

Citizens already have ways to challenge or change rules. Interest groups already successfully challenge and overturn rules when the rule doesn't comply with the law. This measure is unnecessary and shouldn't be part of Oregon's Constitution.

#### Measure 2 Lets the Fox Guard the Hen House

Oregon's environmental rules result from years of research, negotiation, and public meetings. Decisions on health aren't made by "bureaucrats," as Measure 2 backers would have you believe, but rather by public health professionals.

Public health professionals should set regulations that protect Oregon's clean air and water, not politicians who take money from polluters. But under Measure 2, politicians and the polluters who fund their campaigns could weaken key clean air and water safeguards without any input from Oregon voters.

Measure 2 is a back-door attempt to let special interests re-write the rules that protect our families.

**Don't be fooled.** Vote **NO** on Measure 2.

Oregon Environmental Council	Columbia Riverkeeper
Oregon League of Conservation Voters	Tualatin Riverkeepers
Sierra Club	Willamette Riverkeeper

*(This information furnished by Jeff Allen, Oregon Environmental Council.)*

*(This space purchased for \$500 in accordance with ORS 251.255.)*

The printing of this argument does not constitute an endorsement by the State of Oregon, nor does the state warrant the accuracy or truth of any statement made in the argument.

## ARGUMENT IN OPPOSITION

### MEASURE 2 HURTS OREGON SENIORS

Measure 2 is an irresponsible ballot measure that would lock into our Constitution a wasteful and unaccountable process for eliminating administrative rules—including **critical rules that protect seniors and other Oregonians**.

#### UNINTENDED CONSEQUENCES FOR SENIORS

The sponsors of this measure may simply want to avoid having to obey rules they don't like. But they won't tell you that **Measure 2 will destroy a system that is absolutely essential for safeguarding the interests of senior citizens—and the health of all Oregonians**.

#### EXAMPLES OF RULES PROTECTING SENIORS THAT COULD BE OVERTURNED IF MEASURE 2 PASSES:

- Licensing and standards for operation of nursing homes and adult care foster care facilities.
- Residents' rights in nursing homes.
- Privacy of medical records.
- Consumer protections related to gas, water, electric, and telephone service, including rates and billing.
- Rules that prevent contamination of drinking water.
- Availability of and standards for emergency ambulance service in every county.
- Key provisions of the Oregon Health Plan.
- Protections for renters and senior mobile park residents.
- Building safety codes.
- Other consumer rights and protections.

#### HEALTH PROFESSIONALS SHOULD WRITE THE RULES—NOT POLITICIANS AND SPECIAL INTERESTS

Many of the most important protections for the interests of Oregon seniors come through administrative rules. There's a good reason for that: professionals in health, gerontology, energy policy, and other specialties must develop these rules. Measure 2 allows special interests to weaken the rules that protect seniors. This poorly drafted measure would insert into our Constitution a process allowing all of these protections to be easily overturned.

**DON'T BE FOOLED.**

**VOTE NO ON MEASURE 2. IT HURTS SENIORS**

**United Seniors of Oregon  
Oregon Advocacy Coalition of Seniors and People with Disabilities  
Oregon State Council of Senior Citizens  
Portland Gray Panthers**

*(This information furnished by Jim Davis, Oregon State Council of Senior Citizens, United Seniors of Oregon.)*

*(This space purchased for \$500 in accordance with ORS 251.255.)*

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# Measure No. 2 Arguments

## ARGUMENT IN OPPOSITION

**SOUTHERN OREGONIANS**

**URGE YOU TO VOTE NO ON MEASURE 2**

### MEASURE 2 DOES NOT BELONG IN OREGON'S CONSTITUTION

Measure 2 allows anyone with \$10,000 for paid petitioners to overrule the majority of administrative rules – **without an election or a vote of the legislature**. It makes it easy for special interests – or even out-of-state interests - to repeal the rules that protect our communities and neighborhoods.

### IT IS UNNECESSARY

**Oregon's current system provides safeguards to the rule-making process.** State agencies are required to hold public hearings, to disseminate proposed rules to interested parties and must give notice of all rule making. Measure 2 would be a waste of taxpayer money **for a problem that doesn't even exist.**

**Oregon voters and the legislature have repeatedly opposed creating a new system for repealing administrative rules.** Once again, Measure 2 is unnecessary and it doesn't belong in Oregon's Constitution.

### IT HURTS SOUTHERN OREGONIANS

Critical rules protecting children, seniors, education, health, our environment and public safety could easily be repealed by any individual or special interest – and **without a vote of the legislature or the voters.**

Here are just a few examples:

- Key Components of the Oregon Health Plan
- Standards for Clean Air and Clean Drinking Water
- Teacher Licensing and School Curriculum Standards
- Rules protecting Farm and Forestland
- Rules protecting Regulatory Stability for Businesses

**DON'T LOCK THIS INTO OREGON'S CONSTITUTION  
VOTE NO ON 2**

**Bill Williams, President and CEO, Bear Creek Corp.  
William Thorndike, Jr.**

**Susan Reid, Ashland City Council**

**Larry Medinger, Medinger Construction Co. Inc.**

**Peter W. Sage, Former Jackson County Commissioner**

**Jean Gregg Milgram, League of Women Voters of the Rogue Valley**

*(This information furnished by Caroline Fitchett, Oregon Community Protection PAC.)*

*(This space purchased for \$500 in accordance with ORS 251.255.)*

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## ARGUMENT IN OPPOSITION

**VOTE NO ON MEASURE 2**

**TO PROTECT THE OREGON DEATH WITH DIGNITY ACT**

**Protect the Choice of Oregon Voters** As Oregon voters already know, the Oregon Death With Dignity Act is a hugely popular and successful law. Our Death With Dignity law has survived two elections, three years of federal court litigation, and attacks from the United States Congress as well as the Oregon legislature. So far, we've been successful in protecting our law.

**Protect the Improvements in End-of-Life Care in Oregon** What voters now need to know is that our opponents support Measure 2 because it will enable them to undermine the agencies that have passed rules to implement our law. These agencies, such as the Oregon Health Division, have responsibly implemented the Oregon Death With Dignity law for almost three years. This responsible implementation has resulted in improved end-of-life care for all Oregonians.

**Protect the Oregon Death With Dignity Law** Under Measure 2, opponents of the Death With Dignity law need only collect 10,000 signatures to challenge an agency rule. By collecting 10,000 signatures, opponents of death with dignity reform can "pull a rule" from the agency and place it into the legislature for reconsideration. We can't let this happen. It was only three years ago that the Oregon Legislature placed our new Death With Dignity law back on the ballot for repeal. Anything that makes it easier for our opponents to challenge the Death With Dignity law in the legislature must be rejected.

**Please send another strong message to opponents of  
Death With Dignity**

**VOTE NO ON MEASURE 2**

**Hannah Davidson  
Executive Director  
Oregon Death With Dignity Legal Defense and Education Center**

**Jeana Frazzini  
Executive Director  
Oregon Right To Die**

*(This information furnished by Hannah Davidson, Executive Director, Oregon Death With Dignity Legal Defense and Education Center.)*

*(This space purchased for \$500 in accordance with ORS 251.255.)*

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# Measure No. 2 Arguments

## ARGUMENT IN OPPOSITION

### VOTE NO ON MEASURES 2 & 7

#### Measures 2 and 7 Undermine Laws Protecting Children

Do you think children should have safe sidewalks to walk to school on? Do you think our neighborhoods should be protected from speeding traffic and the danger, air pollution and noise it brings? Do you think people should be safe when they go for a walk or ride a bicycle?

Thousands of your fellow Oregonians worked for years to make our communities safer and healthier places to live, work and play. All that is threatened by these two costly and unnecessary measures.

If they pass, we lose our ability to keep our communities good places to live.

#### Measures 2 and 7 Undermine Oregon Communities

Do you think that your community should be able to decide how it grows? As citizen activists, we've fought hard for changes to protect our communities and make them safer. These measures take power away from neighborhoods and put the power in the hands of wealthy special interests.

#### Measures 2 and 7 Have Unknown, Dangerous Consequences

Measures 2 and 7 are vague, confusing, and poorly written. They could have devastating effects on the health and safety our communities, and laws that protect our children and all Oregonians.

### WE URGE YOU TO VOTE NO ON MEASURES 2 & 7.

- Bicycle Transportation Alliance
- Commute Options for Central Oregon
- Willamette Pedestrian Coalition
- Association of Oregon Rail and Transit Advocates (AORTA)
- Citizens for Sensible Transportation
- Transit Riders United
- Oregon Transportation Reform Advocates Network

*(This information furnished by Catherine Ciarlo, Bicycle Transportation Alliance.)*

*(This space purchased for \$500 in accordance with ORS 251.255.)*

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## ARGUMENT IN OPPOSITION

Congressman Earl Blumenauer urges you to...  
**VOTE NO on Measure 2.**

Oregon has been a national leader in land use, environmental protection and health care. This innovation has required creative and even courageous legislation and leadership. An important part of our legacy has been the ability to craft administrative rules to makes things like worker protections, nursing home regulations and land use laws, a reality. Without rules to implement our state's landmark legislation and creative ideas, many of these protections would be meaningless.

Measure 2 is a stealth attack that would allow one committee, or even one committee chair who was controlled by special interests, to overturn the work of countless citizens and even the legislature. Measure 2 is a waste of taxpayer dollars, and doesn't even solve a problem! Citizens already have plenty of ways to challenge administrative rules in Oregon. And Measure 2 doesn't just waste money - it will let any special interest or individual with an axe to grind, tie up our legislature and our courts with frivolous and petty challenges to all kinds of rules. Polluters could block rules protecting clean air and safe drinking water and those requiring the clean up of toxic waste, all without a vote of the people or the legislature. And Measure 2 would lock all these costly and dangerous things into the Oregon Constitution.

Oregonians have wisely defeated nearly identical measures, to Measure 2, twice in the last six years. Let us do so again.

### Vote NO on Measure 2. It's Anti-Oregon.

**Earl Blumenauer**  
Member of Congress

*(This information furnished by Earl Blumenauer.)*

*(This space purchased for \$500 in accordance with ORS 251.255.)*

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# Measure No. 2 Arguments

## ARGUMENT IN OPPOSITION

**Trustees and Staff of The Nature Conservancy  
Urge You to Vote NO on 2**

### MEASURE 2 THREATENS OREGON'S WILDLIFE

Oregon's quality of life includes a precious diversity of fish, wildlife, native plants and their habitats. As our population keeps growing, we must work to preserve Oregon's natural heritage for our children and grandchildren.

**Measure 2 will make it harder to protect Oregon's wildlife and their habitats for future generations.**

By giving special interests new powers to strike down rules they don't like, Measure 2 jeopardizes Oregon's safety net for wetlands, streams, fish runs, wildlife habitats, parks and open spaces.

Today, 415 of Oregon's 3,773 identified plant and animal species – one in every nine – are at risk of extinction. To safeguard our natural heritage, we need a variety of approaches, including purchase of critical lands, incentives for voluntary conservation, and rules carefully crafted with review and input from stakeholders.

All across Oregon, caring individuals, corporate leaders, farmers, ranchers, volunteers, non-profits, local governments and elected leaders are working hard to create balanced solutions that will protect our environment for future generations. We won't always agree, but people of good will working together are the best hope for Oregon's at-risk fish and wildlife.

Measure 2 will make it much harder for Oregon's citizens, working together and using the democratic process, to fairly and securely protect wetlands, streams, water quality and important wildlife habitats.

### Vote NO on Measure 2

Trustees and Staff of The Nature Conservancy of Oregon:

Ron Berger  
Paulette Bierzychudek  
Brian Booth  
Ellis Feinstein  
Skip Freedman  
Brian Gard  
Robert G. Gootee  
Daniel D. Heagerty  
Tom Imeson  
Stephen E. Kantor  
Peter G. McDonald  
James T. Post  
Richard Reiten  
Mary B. Ruble  
Patricia L. Wessinger  
Russell Hoefflich, Vice President and Oregon Director  
Catherine Macdonald, Director of Conservation  
Michael Powelson, Director of Agency Relations  
Carrie Walkiewicz, Director of Development

*(This information furnished by Russell Hoefflich, The Nature Conservancy of Oregon.)*

*(This space purchased for \$500 in accordance with ORS 251.255.)*

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## ARGUMENT IN OPPOSITION

**THE HUMAN SERVICES COALITION OF OREGON, THE OREGON HUMAN RIGHTS COALITION, ECUMENICAL MINISTRIES OF OREGON AND CHILDREN FIRST FOR OREGON... OPPOSE MEASURE 2**

**MEASURE 2  
HURTS CHILDREN  
HURTS PUBLIC HEALTH**

Many of Oregon's administrative rules are aimed at protecting our most vulnerable citizens – children, the working poor, patients in health care facilities, and the mentally ill.

**Under Measure 2, any rule that protects abused children, establishes child care standards or nursing facility protections, ensures patients' rights, or expands health care for the poor could be in jeopardy.**

Measure 2 could also affect rules guarding our public health. Polluters could block rules protecting clean air and safe drinking water all without a vote of the people or the legislature. **Rules implementing our new pesticide-tracking law could also be overturned.**

**MEASURE 2  
DISCOURAGES CITIZEN INVOLVEMENT**

Oregon has a history of citizen involvement in its rule making process. Under Measure 2, special interests could interfere with these open processes. It attempts to solve a problem that doesn't even exist

A special interest group or corporation that dislikes an administrative rule could hire a signature gathering company to collect signatures to challenge the rule. If the required numbers of signatures are gathered and the legislature fails to act, the rule implementing these protective laws would no longer be in effect. The fact that no one has to vote – not the legislature or the people – means that key rules protecting our public health for those most in need will be at risk. Inaction by the legislature could also mean inaction by the state in protecting our public health and serving those most in need.

**PROTECT OUR CHILDREN AND OUR PUBLIC HEALTH  
PLEASE VOTE NO ON MEASURE 2**

Human Services Coalition of Oregon  
Oregon Human Rights Coalition  
Ecumenical Ministries of Oregon  
Children First For Oregon

*(This information furnished by Gina Mattioda, Co-Chair, Human Services Coalition of Oregon.)*

*(This space purchased for \$500 in accordance with ORS 251.255.)*

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# Measure No. 2 Arguments

## ARGUMENT IN OPPOSITION

### What part of "No!" didn't they understand?

In 1998, Oregon voters resoundingly defeated Ballot Measure 65, which would have allowed special interest groups to essentially overturn an administrative rule without a vote of the public or the Oregon Legislature.

Now, the backers of Measure 65 have brought us a "new" measure — Ballot Measure 2. And what is Measure 2? Despite a few cosmetic changes, there is no debate: Measure 2 is just Measure 65 all over.

### Again, what part of "No!" didn't they understand?

Measure 2, just like 1998's Measure 65, would be a huge waste of taxpayer dollars. And it doesn't even solve a problem — no matter what proponents may say, Oregon citizens already have plenty of ways to challenge administrative rules.

But Measure 2 allows anyone with a beef, real or imagined, to tie up the Legislature and the courts with petty challenges to all kinds of rules. For about \$10,000 paid to professional signature gatherers, any person or corporation could put any administrative rule in limbo until the next Legislature meets.

What kinds of rules are affected? Rules that protect farmland and forests, prevent urban sprawl, preserve open spaces and wildlife habitat and maintain access to Oregon's public beaches. In other words, the very kinds of rules that make Oregon the unique and special state it is.

**Let's make it VERY clear this time: we said NO!, and we meant NO!**

Please join me and Vote NO! on Measure 2.

**Charles Calkins, Bend**  
Oregon AFSCME Local 3336 (DEQ)

**Leslie Kochan, Portland**  
Oregon AFSCME Local 3336 (DEQ)

*(This information furnished by Don Loving, Oregon AFSCME Council 75.)*

*(This space purchased for \$500 in accordance with ORS 251.255.)*

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## ARGUMENT IN OPPOSITION

### ADVOCACY COALITION FOR SENIORS AND PEOPLE WITH DISABILITIES URGES A NO VOTE ON MEASURE 2

The Advocacy Coalition for Seniors and People with Disabilities is a statewide organization promoting legislative and community values that protects and supports the needs of Oregon's seniors and people with disabilities. We are opposed to Ballot Measure 2 for the following reasons:

\*Any administrative rule, from licensing nursing homes and adult foster care facilities to building access, safety and fire codes could be threatened by special interest groups.

\*Challenges to administrative rules could be tied up for up to four years in the legislative process and create unnecessary logjams in the legislature.

**\*We already have mechanisms to review and solicit public comment on rule changes or additions.**

\*The cost of delays, both financial and in meeting the needs of Oregon citizens is unnecessary.

\*Added costs will force cuts in programs that serve the elderly and people with disabilities that are currently under-funded.

This measure is unnecessary. It will threaten the interest of everyday Oregonians on all fronts. It will damage a process that is set up to protect our citizens.

**Vote NO on Measure 2**

**Ruth McEwen, Co-Chair, Advocacy Coalition**

*(This information furnished by Ruth McEwen, Advocacy Coalition for Seniors and People with Disabilities.)*

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# Measure No. 3

Proposed by initiative petition to be voted on at the General Election, November 7, 2000.

## BALLOT TITLE

### 3 AMENDS CONSTITUTION: REQUIRES CONVICTION BEFORE FORFEITURE; RESTRICTS PROCEEDS USAGE; REQUIRES REPORTING, PENALTY

**RESULT OF "YES" VOTE:** "Yes" vote requires conviction before property forfeiture; restricts use of proceeds; requires reporting; declares penalty.

**RESULT OF "NO" VOTE:** "No" vote rejects: requiring conviction before forfeiture; restricting use of proceeds; requiring reporting; declaring penalty.

**SUMMARY:** Amends constitution. Current law does not require conviction before property forfeiture. Measure prohibits property forfeiture unless owner or interest-holder has been convicted of crime involving property. Forfeited property's value must be proportional to crime. Contraband, unclaimed property may be forfeited without conviction. Forfeited property's sale must be conducted in commercially reasonable manner. Prohibits applying sale proceeds to law enforcement. Sets priorities for distribution: foreclosed liens, security interests, contracts; forfeiture costs; state drug treatment. Restricts transferring proceedings to federal government. Requires reporting, penalty. Other provisions.

**ESTIMATE OF FINANCIAL IMPACT:** There may be a reduction in state and local revenue due to a stricter standard of evidence required for forfeitures under the measure, but the amount can not be determined.

There is no effect on state or local government expenditures.

## TEXT OF MEASURE

Article XV of the Constitution of the State of Oregon is amended by a vote of the People to include the following new section:

**Section 10. The Oregon Property Protection Act of 2000.**

(1) This section may be known and shall be cited as the "Oregon Property Protection Act of 2000."

(2) **Statement of principles.** The People, in the exercise of the power reserved to them under the Constitution of the State of Oregon, declare that:

(a) A basic tenet of a democratic society is that a person is presumed innocent and should not be punished until proven guilty;

(b) The property of a person should not be forfeited in a forfeiture proceeding by government unless and until that person is convicted of a crime involving the property;

(c) The value of property forfeited should be proportional to the specific conduct for which the owner of the property has been convicted; and

(d) Proceeds from forfeited property should be used for treatment of drug abuse unless otherwise specified by law for another purpose.

(3) **Forfeitures prohibited without conviction.** No judgment of forfeiture of property in a civil forfeiture proceeding by the State or any of its political subdivisions shall be allowed or entered until and unless the owner of the property is convicted of a crime in Oregon or another jurisdiction and the property is found by clear and convincing evidence to have been instrumental in committing or facilitating the crime or to be proceeds of that crime. The value

of the property forfeited under the provisions of this subsection shall not be excessive and shall be substantially proportional to the specific conduct for which the owner of the property has been convicted. For purposes of this section, "property" means any interest in anything of value, including the whole of any lot or tract of land and tangible and intangible personal property, including currency, instruments or securities or any other kind of privilege, interest, claim or right whether due or to become due. Nothing in this section shall prohibit a person from voluntarily giving a judgment of forfeiture.

(4) **Protection of innocent property owners.** In a civil forfeiture proceeding if a financial institution claiming an interest in the property demonstrates that it holds an interest, its interest shall not be subject to forfeiture.

In a civil forfeiture proceeding if a person claiming an interest in the property, other than a financial institution or a defendant who has been charged with or convicted of a crime involving that property, demonstrates that the person has an interest in the property, that person's interest shall not be subject to forfeiture unless:

(a) The forfeiting agency proves by clear and convincing evidence that the person took the property or the interest with the intent to defeat the forfeiture; or

(b) A conviction under subsection (3) is later obtained against the person.

(5) **Exception for unclaimed property and contraband.** Notwithstanding the provisions of subsection (3) of this section, if, following notice to all persons known to have an interest or who may have an interest, no person claims an interest in the seized property or if the property is contraband, a judgment of forfeiture may be allowed and entered without a criminal conviction. For purposes of this subsection, "contraband" means personal property, articles or things, including but not limited to controlled substances or drug paraphernalia, that a person is prohibited by Oregon statute or local ordinance from producing, obtaining or possessing.

(6) **Law enforcement seizures unaffected.** Nothing in this section shall be construed to affect the temporary seizure of property for evidentiary, forfeiture, or protective purposes, or to alter the power of the Governor to remit fines or forfeitures under Article V, Section 14, of this Constitution.

(7) **Disposition of property and proceeds to drug treatment.** Any sale of forfeited property shall be conducted in a commercially reasonable manner. Property or proceeds forfeited under subsections (3), (5), or (8) of this section shall not be used for law enforcement purposes but shall be distributed or applied in the following order:

(a) To the satisfaction of any foreclosed liens, security interests and contracts in the order of their priority;

(b) To the State or any of its political subdivisions for actual and reasonable expenses related to the costs of the forfeiture proceeding, including attorney fees, storage, maintenance, management, and disposition of the property incurred in connection with the sale of any forfeited property in an amount not to exceed twenty-five percent of the total proceeds in any single forfeiture;

(c) To the State or any of its political subdivisions to be used exclusively for drug treatment, unless another disposition is specially provided by law.

(8) **State and federal sharing.** The State of Oregon or any of its political subdivisions shall take all necessary steps to obtain shared property or proceeds from the United States Department of Justice resulting from a forfeiture. Any property or proceeds received from the United States Department of Justice by the State of Oregon or any of its political subdivisions shall be applied as provided in subsection (7) of this section.

(9) **Restrictions on State transfers.** Neither the State of Oregon, its political subdivisions, nor any forfeiting agency shall transfer forfeiture proceedings to the federal government unless a state court has affirmatively found that:

(a) The activity giving rise to the forfeiture is interstate in nature

# Measure No. 3

and sufficiently complex to justify the transfer;  
 (b) The seized property may only be forfeited under federal law;  
 or

(c) Pursuing forfeiture under state law would unduly burden the state forfeiting agencies.

(10) **Penalty for violations.** Any person acting under color of law, official title or position who takes any action intending to conceal, transfer, withhold, retain, divert or otherwise prevent any proceeds, conveyances, real property, or any things of value forfeited under the law of this State or the United States from being applied, deposited or used in accordance with subsections (7), (8) or (9) of this section shall be subject to a civil penalty in an amount treble the value of the forfeited property concealed, transferred, withheld, retained or diverted. Nothing in this subsection shall be construed to impair judicial immunity if otherwise applicable.

(11) **Reporting requirement.** All forfeiting agencies shall report the nature and disposition of all property and proceeds seized for forfeiture or forfeited to a State asset forfeiture oversight committee that is independent of any forfeiting agency. The asset forfeiture oversight committee shall generate and make available to the public an annual report of the information collected. The asset forfeiture oversight committee shall also make recommendations to ensure that asset forfeiture proceedings are handled in a manner that is fair to innocent property owners and interest holders.

(12) **Severability.** If any part of this section or its application to any person or circumstance is held to be invalid for any reason, then the remaining parts or applications to any persons or circumstances shall not be affected but shall remain in full force and effect.

## EXPLANATORY STATEMENT

Ballot Measure 3 will require Oregon law to be changed to prohibit "asset forfeitures" unless the owner of the property is first convicted of a crime involving the seized property.

In a civil "asset forfeiture proceeding," the government agency may seize and dispose of property that the government believes was used in a crime or is the proceeds of a crime. The property may be personal property, cash, homes or businesses.

Under current Oregon law, there is no requirement that the owner of the property must first be arrested or convicted of a crime before his or her property is forfeited to the government.

Under current law, the government must establish probable cause (more likely than not) that the property was used to facilitate a crime, or was acquired from the proceeds of criminal activity. Forfeited property may not be disposed of without a court order which, before it can issue, requires an examination of the circumstances of the seizure.

If passed, Measure 3 will require the government to prove by the stricter standard of clear and convincing evidence that the property was used to commit, or was the proceeds of, the crime for which the owner was convicted. If the person whose property was seized is not charged or convicted of a crime, the property must be returned unless the property has been abandoned or is contraband.

Current law requires government agencies to report forfeiture actions in certain cases to an oversight committee.

Measure 3 expands current reporting requirements to include all civil forfeitures. The measure would also require the oversight committee to be independent of any forfeiting agency.

Under current law, government agencies may recover from the proceeds the entire cost of pursuing the forfeiture. Measure 3 would limit recovery of costs to no more than 25% of the property's value.

Under current law, forfeiture proceeds may be used by forfeiting agencies for enforcement of drug laws, as well as drug treatment and education programs. Measure 3 would require that the balance of the proceeds be directed only to drug treatment programs, unless otherwise provided by law.

Measure 3 also would require that the value of the property forfeited shall not be excessive and shall be proportional to the conduct for which the owner of the property was convicted. Under current law, if the government is successful in a civil forfeiture proceeding, a claimant may ask the court for a mitigation hearing to determine proportionality.

Measure 3 would limit state and local government agencies from transferring forfeiture proceedings to the federal government unless the transfer is approved by a state court judge.

Measure 3 would not change current law allowing temporary seizure of property for evidentiary, forfeiture, or protective purposes by law enforcement.

Measure 3 creates penalties for violations of its terms.

<b>Committee Members:</b>	<b>Appointed by:</b>
David J. Fidanque	Chief Petitioners
Representative Floyd Prozanski	Chief Petitioners
Chief Jim Harper	Secretary of State
Chief Rick Lewis	Secretary of State
Senator Avel Gordly	Members of the Committee

*(This committee was appointed to provide an impartial explanation of the ballot measure pursuant to ORS 251.215.)*



# Measure No. 3 Arguments

## ARGUMENT IN FAVOR

**I always believed in "Innocent Until Proven Guilty" until three years ago, when the government seized my life savings.**

My name is Harry Detwiler. I am 62 years old. I was a special education teacher at Ashland High School for 25 years. I was Oregon's Special Education Teacher of the Year in 1972, and was named Ashland's Man of the Year twice.

My problems began in 1997 shortly after my son and I sold a former rental property. The new owner was arrested for growing marijuana. During the arrest, police found my name on some of the man's paperwork.

So they drove to my house 25 miles away to see what I knew. I was not home, but they entered anyway. They found the keys to my safe and took \$35,000, my life savings.

When I returned home I thought I had been robbed. Police soon arrived and told me they had taken my money under civil forfeiture laws. They said I should have known the man who bought my home was growing marijuana.

**For three years, I have fought unsuccessfully to get my money back.**

**I was never charged with a crime.  
I was never convicted of a crime.**

The prosecutor was quoted in the newspaper admitting there was no evidence against me.

**Still they refuse to give my money back.**

**Even after I produced business receipts showing where the \$35,000 came from.**

**In America, people are supposed to be innocent until proven guilty.**

But that's not how asset forfeiture laws work.

That's why we need to pass Measure 3.

**Measure 3 requires a person be convicted of a crime before their assets can be sold off.**

Measure 3 would have forced the police to give me back my money, or prove me guilty.

Measure 3 may be too late to help me, but it will protect other innocent landowners.

**Please join me in voting Yes on Measure 3.**

Harry Detwiler  
Ashland, Oregon

*(This information furnished by Harry Detwiler, Oregonians for Property Protection.)*

*(This space purchased for \$500 in accordance with ORS 251.255.)*

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## ARGUMENT IN FAVOR

**"FORFEIT LIBERTY"**

Editorial excerpted from the Medford Mail-Tribune, March 31, 1999

"It reads like a scene from some Third-World police state: Federal agents discover marijuana growing in a rental property. Assuming the landlord, who lives elsewhere, is involved, they break into his house and rifle through his belongings. They find keys and open a safe, in which they find \$35,000 in cash. They seize the cash and refuse to return it. The landlord is not charged with a crime, but his money is gone.

"The police state that this story originates from is the United States... The landlord is Harry Detwiler, a retired Ashland High School teacher...

"Detwiler has not been charged with a crime. He has papers that document how he came to have so much cash on hand... The cash is gone, along with whatever trust Detwiler had in the government...

"Something is clearly wrong here. Foundations of American jurisprudence are turned upside down: the presumption of innocence is gone; the burden of proof is shifted from the accuser to the accused; the independent review of appeals is not available...

**"Trust will come only when a system exists in which justice gets a fair hearing. That system doesn't exist now."**

Medford Mail-Tribune, March 31, 1999

*(This information furnished by David Smigelski, Oregonians For Property Protection.)*

*(This space purchased for \$500 in accordance with ORS 251.255.)*

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# Measure No. 3 Arguments

## ARGUMENT IN FAVOR

### **A Message from a Chief Petitioner of Measure 3**

Civil forfeitures occur an average of three times a day in Oregon. In 1999, police reported taking \$2.1 million from 1,069 people. In 72 percent of those cases, no one was arrested, charged, or convicted of a crime.

**No one should ever lose their property to the government unless they are first convicted of a crime involving the use of their property.**

Most people are surprised to learn this isn't already the case, but police are allowed to seize and keep houses, cars, bank accounts, or other property without first convicting the owner of a crime.

Worse yet, only half of the agencies that are required to report how they spent forfeiture proceeds to the state did so. In fact, in the 11 years of asset forfeiture in Oregon, there has only been one report issued, and that one is sadly incomplete.

### **Who Gets The Money Seized Under Forfeiture?**

Government lawyers and the police who seize the property split it. And by law, they can spend it only on things like cars, police overtime, cell phones, and weapons.

That sets up a conflict of interest, where government agencies have a financial incentive to seize as much as they can. And since they never have to prove a crime has been committed, the system is rife with abuse.

### **Measure 3 Expands Reporting Requirements and Directs Funds Seized into Treatment Programs:**

Measure 3 ends the conflict of interest by requiring that forfeiture proceeds be directed into treatment and education programs to reduce drug abuse and crime. And local governments still retain the right to use the funds for other legitimate purposes.

### **Our constitution should say people are innocent until proven guilty.**

Measure 3 will make sure no one loses property unless they're found guilty of a crime.

### **Please Vote Yes on Measure 3.**

Ray Heslep  
Chief petitioner  
Oregon Property Protection Act of 2000

*(This information furnished by Ray Heslep, Chief Petitioner, Oregonians for Property Protection.)*

*(This space purchased for \$500 in accordance with ORS 251.255.)*

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## ARGUMENT IN FAVOR

### **Asset forfeiture without a criminal conviction is wrong.**

My name is Floyd Prozanski. I served as the chair of the Oregon Asset Forfeiture Oversight Committee from 1997-1999. I have had first-hand experience with Oregon's Asset Forfeiture Law.

**Measure 3 reestablishes the doctrine of innocent until proven guilty** by requiring that people must be convicted of a crime before their property can be forfeited permanently.

Under current law, property can be seized and sold off, even when the owner of the seized property is not charged, arrested or convicted of a crime. That's wrong.

### **The government shouldn't get a dime, unless it can prove the crime.**

By passing Measure 3, Oregonians' rights will be protected. Citizens will no longer have to spend years and thousands of dollars in futile attempts to recover property seized by the government... even when no charges are filed or no conviction occurs.

### **Measure 3 Ensures People are Innocent Until Proven Guilty:**

Measure 3 will allow criminals to have their assets seized, but the government can't keep the property permanently unless it proves the person has committed a crime. The constitutional protection of "innocent until proven guilty" will be applied to forfeiture cases for the first time.

### **Measure 3 Will Force Government Agencies To Report Forfeitures:**

We have spent years trying to determine how much property the government seizes and how that money is spent. But 11 years after reporting requirements were implemented, we still have no idea how much is seized and how those funds are used. Measure 3 puts teeth in the law that will make government agencies report what they seize and keep.

### **Measure 3 Protects Innocent Landowners:**

Property of innocent landowners is often seized because renters commit crimes without the owner's knowledge. A yes vote on Measure 3 ensures that property owners are protected.

### **Measure 3 Brings Fairness to Forfeiture laws in Oregon.**

State Rep. Floyd Prozanski

*(This information furnished by State Rep. Floyd Prozanski.)*

*(This space purchased for \$500 in accordance with ORS 251.255.)*

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# Measure No. 3 Arguments

## ARGUMENT IN FAVOR

The Oregon Property Protection Act of 2000 includes the following provisions:

**Criminal Conviction Required:** No civil forfeitures can be completed without a criminal conviction of the accused.

**Standard of Proof:** No property can be seized under civil forfeiture laws without “clear and convincing evidence” that the property is proceeds of a criminal act or “instrumental in... facilitating the crime.”

Current law allows the seizure of property merely on “probable cause.”

**Innocent Owner Defense:** Property owners who rent property to someone later convicted of a crime would not lose their property under this initiative (as they could under current law) unless it is shown, by “clear and convincing evidence.” that the person took the property with the intent to defeat the forfeiture, or the property owner is convicted of participating in criminal activities.

**Proportionality:** Requires property forfeitures to be “substantially proportional” to the underlying offense and the value of the property.

**Forfeiture Proceeds Restrictions:** Requires forfeiture proceeds to be used for treatment, education and prevention programs. Prohibits the current use of forfeiture proceeds for purchases of cars, weapons and other items for law enforcement purposes.

**Restrictions on Seizure Transfers to the Federal Government:** Prohibits transfers of seized property to the federal government unless a court determines that the case is interstate in nature and complex; the property only can be forfeited under federal law; or pursuing civil forfeiture under state law would be unduly burdensome.

**Penalties for Concealing or Diverting Forfeited Property:** Government officials or agencies attempting to conceal or divert property that is forfeited under state or federal law in violation of the procedures established by this law are subject to a civil penalty that is treble the value of the forfeited property.

**Annual Audit of the Forfeiture Program:** Establishes a state “asset forfeiture oversight committee” to publish an annual report on the disposition of all seized and forfeited property.

*(This information furnished by Geoff Sugerman, Oregonians for Property Protection.)*

*(This space purchased for \$500 in accordance with ORS 251.255.)*

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## ARGUMENT IN FAVOR

ACLU of Oregon and Oregon Gun Owners Support Measure 3

While Oregon Gun Owners and the American Civil Liberties Union of Oregon don't often agree on issues, there is one ballot Measure we both support this year – Measure 3.

Here's why:

All of us support taking the profit out of crime.

All of us also believe in the constitutional protection of “innocent until proven guilty.”

**We support Measure 3 because we want to make sure that the property taken by the government is really being taken from criminals rather than from innocent property owners.**

Over the past decade, cities and counties have seized millions of dollars worth of property in asset forfeiture proceedings, but no statewide agency has any idea how many of those people were actually guilty, what percentage of those assets has been kept by law enforcement, what percentage was sucked down the black hole of legal costs, or how much has been made available to drug treatment programs.

When Oregon's forfeiture law was first passed, most legislators assumed that seizing millions from suspected criminals would provide a financial windfall to state and local governments. It now appears the biggest winners have been the police agencies and government lawyers who make the decisions about what property gets seized and kept by the government.

The power that these police government bureaucrats wield is enormous. They seize property first and ask questions later. They presume that every suspect is guilty and force property owners to prove their innocence. And the very government officials who make these decisions benefit directly or indirectly from the outcome.

It is a procedure that turns our Constitution on its head. It is time to restore basic due process protections for property owners in Oregon. Measure 3 will accomplish that goal.

**Please Join Us in Voting Yes on Measure 3**

Dave Fidanque, Executive Director      John Hellen, Administrator  
ACLU of Oregon                                      Oregon Gun Owners

*(This information furnished by David Fidanque, Executive Director, ACLU of Oregon; John D. Hellen, Administrator, Oregon Gun Owners.)*

*(This space purchased for \$500 in accordance with ORS 251.255.)*

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# Measure No. 3 Arguments

## ARGUMENT IN FAVOR

### MEASURE 3 APPLIES JUDICIAL CORNERSTONE OF "INNOCENT UNTIL PROVEN GUILTY" TO OREGON'S CIVIL FORFEITURE LAW

As a long-time human service and social justice advocate, I urge your support for Ballot Measure 3, The Oregon Property Protection Act of 2000. This measure will restore balance to our civil forfeiture laws, by ensuring that all Oregonians, especially those residing in our most vulnerable communities, will be viewed as innocent until proven guilty in civil forfeiture cases.

Most of us are surprised to learn that the cherished concept of "innocent until proven guilty," a cornerstone of our criminal justice system, doesn't apply in civil forfeiture cases. Under current law, the government can keep an innocent person's home, car, life-savings, and personal belongings, without a criminal charge or conviction. Far too many innocent Oregonians have suffered tragic personal losses under this flawed and unjust law.

### ECONOMICALLY DISADVANTAGED AND MINORITY POPULATIONS SUFFER THE MOST UNDER THE CURRENT SYSTEM

While civil forfeiture laws were designed to target drug kingpins, far too many innocent persons have had their property taken under these laws. In an astounding 85% of completed forfeiture cases, there was no criminal charge or conviction. Many innocent property owners do not contest this injustice because they cannot afford to hire an attorney to challenge an unwarranted forfeiture. And, when your property is seized by the government, you must "prove" the innocence of your property if you want to keep it. Under existing law, the burden of proof is on you, not the government. Measure 3 will correct this injustice, by placing the burden of proof on the government.

### MEASURE 3 APPLIES FORFEITURE PROCEEDS TO DRUG TREATMENT AND EDUCATION PROGRAMS

By breaking the cycle of addiction, we will lower the number of crime victims and the related costs to all Oregonians.

Please join me by voting YES ON MEASURE 3.

Ellen C. Lowe

*(This information furnished by Ellen C. Lowe.)*

*(This space purchased for \$500 in accordance with ORS 251.255.)*

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## ARGUMENT IN FAVOR

### Protect Innocent Property Owners Vote Yes on Measure 3

All too often in Oregon and around the country, innocent landowners fall victim to forfeiture laws when they are not involved in any kind of criminal activity.

Imagine renting a piece of property to someone who later is merely suspected of committing a crime at that property. Under current law, the innocent landowner can lose that property forever, with virtually no way of fighting the government agency that seized the property.

That's wrong.

In America, people are innocent until proven guilty. But current law turns that notion upside down.

To protect the rights of property owners and to end the injustice of current asset forfeiture laws, we urge the passage of Measure 3.

- **Measure 3 requires a conviction before property can be disposed of.** Unless a person is convicted of a crime, they should not lose their property.
- **Measure 3 improves reporting requirements.** Today, after 11 years of forfeiture, we still have no idea how much is taken each year because reporting is incomplete and, in many cases, not even required.
- **Measure 3 ends the conflict of interest** that occurs daily when government agencies get to keep and spend the money they seize. This measure requires the funds be spent on treatment programs to help prevent crime.

Across our nation, innocent landowners are losing property to forfeiture laws.

It's time to end the injustice in Oregon.

As one of the leading property rights groups in the state, we strongly support Measure 3.

**Please Vote Yes on Measure 3.**

Dave Hunnicutt  
Legal Counsel  
Oregonians in Action

*(This information furnished by David J. Hunnicutt, Legal Counsel, Oregonians in Action.)*

*(This space purchased for \$500 in accordance with ORS 251.255.)*

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# Measure No. 3 Arguments

## ARGUMENT IN FAVOR

### The Myth of Financial Disclosure Under Current Oregon Law

Eleven years after the passage of a law requiring annual disclosure of all civil forfeiture cases in Oregon, reporting remains a secret affair for government agencies involved in these cases.

In 1989, the Oregon legislature established the Asset Forfeiture Oversight Committee to keep an eye on the way government agencies seize and dispose of property under civil forfeiture laws. At that time, police agencies throughout the nation were aggressively pursuing innocent property owners with their overzealous use of civil forfeiture, seizing millions of dollars from innocent people and using the money to buy expensive cars and high-powered military weaponry, including armored vehicles and assault weapons. The Advisory Committee was supposed to keep an eye peeled for such abuses in Oregon, and government agencies were supposed to provide detailed information to citizens on all civil forfeitures in Oregon.

**The reporting requirements in that 1989 law have never been met in 11 years. That's another good reason to vote YES on Measure 3.**

In the past decade, the state has issued just one report on asset forfeiture, and that report is sadly incomplete because less than 50% of the police agencies in Oregon reported how they spent the money they seized.

**Measure 3 will change that by putting teeth in the reporting requirements.** Measure 3 will remind these government agencies that they work for us, and that when we say we want information, we will get it.

**Shine the light of public oversight on the asset forfeiture process in Oregon.** Remind the government that the law applies to them, too.

**Vote Yes on Measure 3.**

*(This information furnished by David Smigelski, Oregonians For Property Protection.)*

*(This space purchased for \$500 in accordance with ORS 251.255.)*

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## ARGUMENT IN FAVOR

### Facts About Asset Forfeiture in Oregon.

Number of Oregonians who lost property to Asset Forfeiture in 1999:	1,069
Percent of those people above who were arrested, charged or convicted:	28
Number of people who got their property back after charges were dropped:	0
Percent of police agencies that are required to report how they spend Forfeiture proceeds:	100%
Percent of police agencies that reported how they spent Forfeiture proceeds in 1999:	50%
Number of years the state has been required to annually report Asset Forfeiture proceeds:	11
Number of forfeiture reports actually filed:	1
Amount police say they seized in Oregon last year:	\$2.1 million
Amount taken under Asset Forfeiture in Oregon since 1989:	\$20-\$100 million
Percent of asset forfeiture proceeds paid to government lawyers:	50-75%
Percent that will be paid to government lawyers under Measure 3:	25%
Amount state will lose under Measure 3 if police must convict people they target for forfeiture:	\$0

*(This information furnished by Amy Klare, Oregonians for Property Protection.)*

*(This space purchased for \$500 in accordance with ORS 251.255.)*

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# Measure No. 3 Arguments

## ARGUMENT IN FAVOR

**We take it for granted that people are innocent until proven guilty.**

This is one of the most cherished doctrines in America. However, Oregon police have exploited a loophole in our Constitution.

Through this loophole, the police are allowed to confiscate property, including cars, cash and land, from innocent Oregonians without arresting or charging them. This loophole, called Asset Forfeiture, has flipped justice on its head.

Right now, police can take and keep your cash, property, business and possessions on the suspicion that they may be linked to a crime. They do not have to prove it, either! Under asset forfeiture, the accusation is enough. **In Oregon, more than 70 percent of the people who lose their property to forfeiture are never convicted of a crime.**

Measure 3 closes this loophole by requiring a person to be proven guilty before their property can be permanently confiscated and sold.

We fear this sort of treatment when we travel to totalitarian countries, but we face it here in Oregon.

### Who profits from asset forfeiture?

Forfeiture proceeds are split between police and government lawyers, who also happen to be the same people who determine which property to take. This is an inherent conflict of interest that has led to well documented, large-scale abuses of forfeiture all across the country.

Imagine if IRS auditors were paid a commission for every deduction they threw out?

Horror stories abound of innocent people who have lost their life savings to asset forfeiture. Don't wait for this arbitrary practice to harm you.

**Oregonians are innocent until proven guilty. Vote Yes on Measure 3.**

### Furnished by The Libertarian Party of Oregon

(The Libertarian Party of Oregon is the third largest political party in the state. Libertarians are fiscally conservative and socially tolerant, we believe that government should be limited to protecting our freedoms while ensuring personal responsibility.)

*(This information furnished by Eric Winters, Libertarian Party of Oregon.)*

*(This space purchased for \$500 in accordance with ORS 251.255.)*

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## ARGUMENT IN FAVOR

Voting for Measure 3 (The Oregon Property Protection Act) is an opportunity for all Oregonians to right a terrible wrong that has been done to innocent property owners.

Allowing the government to seize property and dispose of it without conviction of a crime corrupts the very system of law we have established.

The current law which allows seizure and forfeiture without conviction bankrupts our trust in the due process that we have come to believe in and which is the foundation of our legal system.

It is hard to believe that the police could show up at your door, search your house for illegal substances, find none, but they seize your cash and valuables. They don't arrest you and you are never charged with a crime, but you still can't get your property back. This violates one of our most cherished values of "innocent until proven" guilty.

Measure 3 requires that the owner of the property must first be convicted of a crime involving the seized property before the government may take and dispose of it. It also establishes priorities for the distribution of those forfeiture proceeds when conviction occurs.

I support this measure and am proud to be one of its two chief petitioners, because I believe in the basic American values upon which this country is founded. This is the United States of America and it is time that we return our legal system to the course upon which its founders intended. Let's return to our original values.

Under Measure 3, property can still be forfeited but only when accompanied by a conviction, and there is no effect on state or local government expenditures.

Voting for Measure 3 will protect innocent property owners, protect our constitutional values, and restore our trust in the legal process.

- Sandra Lee Adamson, A Chief Petitioner

*(This information furnished by Sandra Adamson, Chief Petitioner, Oregonians for Property Protection.)*

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# Measure No. 3 Arguments

## ARGUMENT IN FAVOR

### Asset Forfeiture in Oregon: A True – False Quiz

The police can seize your property even if you have done nothing wrong:	True
The police can keep your property even if they admit they have no evidence against you:	True
A person must be convicted of a crime before the government can keep their assets:	False
Measure 3 would require the police to convict people before punishing them:	True
Oregonians are Innocent Until Proven Guilty under Asset Forfeiture:	False
Under Measure 3, Oregonians would be considered Innocent Until Proven Guilty:	True
Most Oregonians who lose their property under Asset Forfeiture are arrested first:	False
Police get to keep the money they take through Asset Forfeiture:	True
Police spend Asset Forfeiture proceeds on guns, cars and cell phones:	True
Under Measure 3, Asset Forfeiture proceeds will be used for drug education and treatment:	True
Innocent people rarely lose their property wrongly in Oregon:	False
Police can seize your house, car and bank accounts on mere suspicion:	True
A grandmother can lose her house if her grandson is arrested for selling marijuana:	True
Police can take all of the money in your pocket for probable cause:	True
Police are required to report all the money they seize under Asset Forfeiture:	True
The police report all the money they seize under Asset Forfeiture in Oregon:	False
The police are required to report how they spend Asset Forfeiture proceeds:	True
Most police agencies report how they spend Asset Forfeiture proceeds:	False
The state has been required to publish annual reports on Asset Forfeiture for 11 years:	True
The state has published just one report on Asset Forfeiture in the last 11 years:	True

*(This information furnished by Stephanie Van Zuiden, Oregonians for Property Protection.)*

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## ARGUMENT IN OPPOSITION

I ask you to vote NO on Measure 3.

In 1989 I worked with the legislature to pass a forfeiture law that would protect innocent people, provide an easy avenue for anyone who wanted a public forum to voice concerns about the application of the forfeiture law, and to allow police agencies to use some of the forfeited funds for the investigation of our drug laws. The law envisioned that drug dealers would bear some of the burden of major drug investigations.

Since 1989 the legislature has provided additional safeguards to the law, including a requirement that innocent persons get attorney fees.

Law enforcement have used forfeiture funds to establish task forces throughout the state to investigate drug trafficking both inside the state and drugs coming into Oregon. They have become a critical part of Oregon's efforts to pursue the biggest drug dealers.

Measure 3 prohibits the use of forfeited funds to be used in anyway for law enforcement. That means the task forces will lose vital funding. The effect to them will be disastrous.

The people who are behind Measure 3 want to abolish forfeiture. Measure 3 may accomplish this. In 1989 we were very careful to make forfeiture civil in nature. That way the state could pursue both the criminal case and the forfeiture. Measure 3 makes forfeiture criminal in nature. Therefore the state may have to choose between a criminal prosecution or forfeiture. In most cases the state will prosecute and then may have to give the money back to the criminal.

As a lawyer, a former governor and a citizen I am concerned that the backers of this measure wanted to put forfeiture into Oregon's Constitution. It does not belong there. I am concerned about a number of things within this measure that should have been debated within the legislature; they were not.

I urge you to Vote NO on Measure 3.

*(This information furnished by Former Governor Neil Goldschmidt.)*

*(This space purchased for \$500 in accordance with ORS 251.255.)*

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# Measure No. 3 Arguments

## ARGUMENT IN OPPOSITION

### MEASURE 3 WOULD HARM OREGON'S ANIMALS

Before an animal cruelty case finishes winding its way through our legal system, humane societies and animal shelters are currently allowed to ask a court, through a forfeiture hearing, for full custody of rescued animals, so that they may be adopted into permanent, loving homes.

Under today's laws, animals are still classified as property. MEASURE 3 would prohibit forfeitures of any property before a criminal conviction. Because it fails to distinguish animals from other types of property, MEASURE 3 could keep humane societies and shelters from finding permanent, new, loving homes for abused animals until each criminal case is over -- a process which can take years.

#### MEASURE 3 COULD:

- **Bankrupt Oregon's humane societies and shelters.**

Tragically, cruelty cases often involve hundreds of animals. Providing food, housing, and medical care for animal abuse victims is very expensive. Without the ability to find permanent homes for these animals until after each lengthy case is over, the costs of this necessary care could easily bankrupt shelters and humane societies.

- **Keep abused animals in the hands of their abusers.**

Because cruelty cases can take years to conclude, under MEASURE 3, authorities may be forced to reconsider rescuing abused animals due to the large financial costs of providing necessary care throughout a protracted criminal case.

- **Limit the costs of care recoverable for rescued animals.**

MEASURE 3 could drastically limit the amount agencies can recover for the costs of care of abused animals. Agencies could even be forced into auctioning off rescued animals instead of being able to place them in the best new homes.

**FOR THE SAKE OF OREGON'S ANIMALS,  
PLEASE  
VOTE NO ON MEASURE 3**

**American Humane Association  
Central Coast Humane Society  
Klamath Humane Society  
Florence Area Humane Society  
Humane Society of the Willamette Valley  
The Humane Society of the United States  
Animal Legal Defense Fund ([www.aldf.org](http://www.aldf.org))**

*(This information furnished by Stephan K. Otto, Animal Legal Defense Fund.)*

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## ARGUMENT IN OPPOSITION

### MEASURE 3 IS BAD FOR PETS

The Oregon Humane Society is the largest and oldest animal advocacy organization in Oregon. We urge you to vote no on Measure 3. A cruelty case involving multiple animals can easily cost an animal protection organization tens of thousands of dollars that can be better spent.

When animals are removed from cruel or neglectful situations in Oregon, it often falls on private or municipal animal shelters to care for them. Handling large cruelty cases can seriously impede the day-to-day operations of a busy shelter. Often dozens of dogs or cats can languish for months and even years until the case is resolved or goes to court. However, this situation was much improved in 1995 when a forfeiture clause was added to Oregon statutes. It insured that shelters would be either financially compensated by the owner or the animals would be released for adoption into new homes.

The people behind Measure 3 failed to consider how it would impact the resolution of Oregon animal cruelty and neglect cases.

If passed, Measure 3 would leave humane societies and animal shelters helpless in situations where large amounts of animals are seized.

Animals should not have to spend months or years behind bars for a crime they did not commit, paying the price with their lives. Cruelty cases happen in Oregon. Do not cripple the shelters charged with the care of the animals. Do not compromise the existing forfeiture laws that serve the animals well.

Please continue to support Oregon's humane societies and animal shelters.

**FOR THE SAKE OF OREGON'S ANIMALS,  
VOTE NO ON MEASURE 3**

**OREGON HUMANE SOCIETY  
[oregonhumane.org](http://oregonhumane.org)**

*(This information furnished by Susan Mentley, Operations Director, Oregon Humane Society.)*

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# Measure No. 3 Arguments

## ARGUMENT IN OPPOSITION

### Measure 3 Will Forfeit the Well-being of Animals

All animals are considered property under the law. Our companion animals don't seem like property, but the law sees it differently. We all know that our relationships to our dogs and cats feel different than our relationship to our car but according to the letter of the law, they are one in the same. Computer, rabbit, television, horse -- all are treated equally under the law. Under Ballot Measure 3, all property confiscated in criminal cases must be held until the trial is completed -- INCLUDING ANIMALS.

Because most people don't think of animals as property, the authors of Measure 3 probably never even considered the effect it would have on abused and neglected animals.

In a recent Oregon animal abuse case, dozens of starving cats and several dogs were confiscated from a home, where many were found dead. Under current law, a court found probable cause to believe that the animals were mistreated and the "owner" chose not to post bond covering the costs of care for them. The court was able to award permanent custody of the animals to the local humane society, enabling it to find them loving homes.

If Ballot Measure 3 passes, impounded abused and neglected animals would not be adoptable until after a criminal conviction, which might take months or even years. Caring for rescued animals for long periods of time would drain the budgets of animal shelters and humane societies, and ultimately discourage rescue of abuse victims.

For most people, our companion animals are more like our children than they are like our cars or vacuum cleaners, and we consider ourselves more as their guardians than as their owners. However, in the eyes of the law, animals are merely property and Measure 3 would have dire consequences for some of them. This measure must be defeated.

### Vote NO on Measure 3

ANIMAL PROTECTION INSTITUTE, [www.api4animals.org](http://www.api4animals.org)  
 IN DEFENSE OF ANIMALS, [www.idausa.org](http://www.idausa.org)

*(This information furnished by Nicole Paquette, Animal Protection Institute; Sheri Speede, In Defense of Animals.)*

*(This space purchased for \$500 in accordance with ORS 251.255.)*

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## ARGUMENT IN OPPOSITION

**Ballot Measure 3 is a wish list for all criminals.** They seek to diminish the effects of forfeiture on their criminal activity.

Currently the State of Oregon's forfeiture laws allow for the seizure and forfeiture of:

- vehicles of repeat DUII offenders.
- property used in illegal activities such as manufacturing drugs
- money gained from illegal activities; and
- vehicles used to solicit prostitution

**Animal shelters use forfeiture to gain permanent custody of rescued animals that have been abused or neglected.**

**If you do not engage in any of the above activities Measure 3 will do nothing to protect your property rights.** It increases the rights of criminals who obtain property illegally. What does that mean for us as citizens?

- Drug houses in our neighborhoods will continue to operate. Existing tools to shut them down will be taken away.
- Our children, friends and family will continue to be victims of DUII.
- Animal shelters will not have the means to rescue abused and neglected animals.
- Innocent property owners will bear the burden for cleaning up dangerous waste from the manufacturing of illegal drugs.

Current forfeiture process includes safeguards such as, the Asset Forfeiture Oversight Committee, no forfeiture without judge or jury approval and continual review of forfeiture cases are just a few.

Most of the \$330,000 raised for this measure came from outside Oregon. We live and work in Oregon. We are Oregon's Sheriffs and Chiefs of Police. We are your neighbors, our children attend the same schools and we live in this community.

It is our responsibility as Oregonians to ensure that law enforcement has the appropriate tools to protect everyone in our community. **Measure 3 protects the property rights of criminals. Help us continue to protect law-abiding citizens. VOTE NO on 3.**

The Sheriffs of Oregon Committee  
 Oregon Police Chiefs for Safer Communities

*(This information furnished by Greg Brown, Sheriff, Deschutes County, The Sheriffs of Oregon Committee; Steven Winegar, Oregon Police Chiefs for Safer Communities.)*

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# Measure No. 3 Arguments

## ARGUMENT IN OPPOSITION

We are Oregonians who live in a Portland neighborhood where a drug dealer operated out of his house for many years. **We oppose Ballot Measure 3 because it limits law enforcement's ability to shut down drug houses.**

Imagine buying a house in a neighborhood. You like the area, it's safe for your children and you feel safe there. A neighbor moves in. Something is wrong. There is traffic in your neighborhood at all hours. You become suspicious and you are in communication with the police. You note license plate numbers and anything that seems out of place. You are constantly vigilant. Being at home becomes a second job.

The dealer on our street was dealing large quantities of cocaine and had guns. The house was ordered forfeited due to work done by a local drug task force investigating the dealer. **Without forfeiture, the dealer, who owns numerous properties, might have returned to our neighborhood to continue his activities after his release from prison in two or three years.** Or the drug house could have continued to be operated by his associates while he served his prison term. **The best thing for our neighborhood was that he lost the house.**

**Forfeiture as it exists today already has safeguards for homeowners. That is why it took several months to forfeit the dealer's house after his arrest.**

Measure 3 would reduce enforcement against high level dealers who use houses to sell drugs. It would prohibit funds to be used for law enforcement. The task force who helped us needs forfeiture funds to continue its work. The proponents want to stop drug house forfeitures by eliminating funding for drug task forces. **It is unlikely that already limited state and local budgets will replace these funds.**

Drug houses in neighborhoods affect livability, devalue property and bring unknowns into neighborhoods. Forfeiture is used by law enforcement to protect innocent property owners like us. **Protect our neighborhoods. VOTE NO on 3.**

*(This information furnished by Brian J. Porter, Donna Faye Porter, Jeanne M. Petrella.)*

*(This space purchased for \$500 in accordance with ORS 251.255.)*

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## ARGUMENT IN OPPOSITION

**Mothers Against Drunk Driving urges you to vote NO on Measure 3.**

In Oregon vehicle forfeiture is a proven tool utilized by the criminal justice system. This tool helps communicate swiftly and consistently the message that drunk driving is not an option in Oregon. **Counties who currently have forfeiture laws are successfully reducing injuries and fatalities attributable to intoxicated drivers.**

Offenders forfeit their vehicles only after they are given many chances and warnings. How many DUI's constitutes too many? If the first time someone drinks and drives and it results in the death of your family member or friend, then the first time is one too many.

Changing the standards of forfeiture would directly effect a valuable tool necessary in the fight against drinking and driving. The criminal justice system uses forfeiture to remove weapons from the hands of repeat DUI offenders. Forfeiture is a fair and effective process as it is currently applied in the State of Oregon.

Contrary to popular belief the majority of our members are not volunteers. They were recruited in the crudest possible way, the death of a loved one. A mother whose 13-year-old daughter was killed by an intoxicated driver with three previous DUI convictions founded MADD in 1980. Our mission is to stop impaired driving, support victims of this violent crime and prevent underage drinking.

MADD has been successful in helping to make our streets safer from DUI however the problem still exists:

In 1998, impaired drivers killed 15,935 people in the U.S., 223 in Oregon.

On the average an impaired driver injures one person every 30 seconds.

At the current rate two of every five Americans will be involved in an alcohol related crash during their lives.

Forfeiture in the State of Oregon has helped prevent unnecessary deaths and injuries caused by repeat DUI offenders. Please help us preserve this invaluable tool. **VOTE NO on 3.**

*(This information furnished by Sandra Nelson, State Chair, Mothers Against Drunk Driving Oregon; Jeanne Canfield, Vice Chair, Oregon MADD.)*

*(This space purchased for \$500 in accordance with ORS 251.255.)*

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# Measure No. 3 Arguments

## ARGUMENT IN OPPOSITION

### Vote No on Ballot Measure 3

As a Portland City Commissioner, I introduced the first ordinance in the country to take away the cars of repeat drunk drivers. The effect in Portland was dramatic. From 1994 to 1995 while drunk driving was on the increase nationally, we saw a 42 percent decrease in drunk driving in Portland.

I strongly believe in the effectiveness of vehicle forfeiture as a simple, common sense tool for law enforcement to keep drunk drivers off the road. Last year, according to the Highway Traffic Safety Administration, 16,000 people were killed in alcohol-related accidents.

People are frustrated and dismayed that chronic offenders continue to drive drunk. They should be. People who repeatedly drive drunk should lose their cars because, in their hands, a car is a weapon.

We will never know the feelings of the people whose lives have been snuffed out by drunk drivers. But consider how their loved ones feel about drunks who destroy the lives in family after family because no one will take cars away from them.

Take away the cars of repeat drunk drivers and keep the forfeiture laws in place!

**Please vote NO on Ballot Measure 3.**

Earl Blumenauer  
Member of Congress

*(This information furnished by Earl Blumenauer, Member of Congress.)*

*(This space purchased for \$500 in accordance with ORS 251.255.)*

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## ARGUMENT IN OPPOSITION

State Attorney General Hardy Myers and District Attorneys in 11 Oregon counties ask you to **VOTE NO on Measure 3.**

- Organized crime is in it for the money. Forfeiture laws help take the profit out of criminal enterprises that sell drugs or exploit prostitutes. **Measure 3 will put profit back in crime.**
- Forfeiture is used to take cars away from people who repeatedly drive while drunk. DUII forfeiture was enacted in Portland in 1994 and strengthened in 1999. This year DUII deaths are at an all time low. **Measure 3 will blunt this tool.**
- Oregon's forfeiture law allows your elected city and county representatives to use assets seized from criminals to support local law enforcement. **Measure 3 will cripple many drug-fighting task forces and directly affect the livability of your community.**
- Oregon's forfeiture law contains many built-in safe guards to protect innocent persons and avoid abuses. This includes attorney fees for innocent property owners and a requirement that the property has to be a major component in the facilitation of the crime. **Measure 3 is unnecessary.**
- Animal shelters gain permanent custody of rescued animals suffering from abuse or neglect by using forfeiture. **Measure 3 fails to distinguish animals from other types of property, thus it will invalidate Oregon's current animal friendly law.**

Oregon's forfeiture law is the result of over a decade of debate and continual adjustment. Its 38 pages include numerous safeguards. **Measure 3, in only three pages, will lock Oregon law into a poorly conceived Constitutional Amendment with complex and far reaching consequences.**

**Please join us in VOTING NO on 3.**

Attorney General Hardy Myers  
District Attorneys:  
Michael Schrunk, Multnomah County  
Dale Penn, Marion County  
Josh Marquis, Clatsop County  
Doug Harcelroad, Lane County  
Michael Dugan, Deschutes County  
Clay Johnson, Josephine County  
David Allen, Morrow County  
Paul Burgett, Coos County  
Jason Carlile, Linn County  
John T. Sewell, Hood River  
Steve Atchison, Columbia County

*(This information furnished by Attorney General Hardy Myers; Michael D. Schrunk, Multnomah County District Attorney; Dale Penn, Marion County District Attorney; Josh Marquis, Clatsop County District Attorney; Doug Harcelroad, Lane County District Attorney; Michael Dugan, Deschutes County District Attorney; Clay Johnson, Josephine County District Attorney; David Allen, Morrow County District Attorney; Paul Burgett, Coos County District Attorney; Jason Carlile, Linn County District Attorney; John T. Sewell, Hood River District Attorney; Steve Atchison, Columbia County District Attorney.)*

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# Measure No. 4

Proposed by initiative petition to be voted on at the General Election, November 7, 2000.

## BALLOT TITLE

### **4 DEDICATES TOBACCO-SETTLEMENT PROCEEDS; EARNINGS FUND LOW-INCOME HEALTH CARE**

**RESULT OF "YES" VOTE:** "Yes" vote creates tobacco settlement trust fund; earnings dedicated to low-income health care.

**RESULT OF "NO" VOTE:** "No" vote leaves use of tobacco-settlement proceeds unrestricted, rejects creation of health trust fund.

**SUMMARY:** Currently, use of proceeds from settlement with tobacco products manufacturers is unrestricted. Measure places entire settlement into trust fund. Requires continuous appropriation of all fund earnings, for medical, dental, other remedial care services for low-income persons. Principal may be used for those purposes if court order or settlement agreement requires principal to go to federal government, or upon 2/3 approval by legislature when certain economic conditions indicate presence or likelihood of recession. Prohibits appropriations for other purposes, or under other conditions, absent voters' approval.

**ESTIMATE OF FINANCIAL IMPACT:** The state estimates that it will receive \$339 million under the Tobacco Master Settlement Agreement by June 30, 2003. The measure allocates an estimated \$8.8 million for Oregon Health Plan programs during state fiscal year 2001 (July 1, 2000 - June 30, 2001). Estimated revenue for state fiscal years 2002 and 2003 are \$11.2 and \$16.4 million respectively. These funds will qualify for federal matching revenues in the Medicaid and Children's Health Insurance Programs.

There is no financial effect on local government expenditures or revenues.

## TEXT OF MEASURE

**Be It Enacted by the People of the State of Oregon:**

**SECTION 1.** (1) As used in this section, 'Oregon Health Plan' means those programs identified in ORS 414.019 and 653.800 to 653.850, including Medicaid, Title XIX of the federal Social Security Act, that provide or arrange medical, dental and other remedial care services for low-income children and low-income adults. The term also includes programs financed under the Children's Health Insurance Program, Title XXI of the federal Social Security Act.

(2) The Oregon Health Plan Trust Fund is established in the State Treasury, separate and distinct from the General Fund. All earnings on moneys in the fund shall be appropriated continuously and expended only for the purpose of financing Oregon Health Plan programs.

(3) Except as otherwise provided by the Oregon Constitution, the Oregon Health Plan Trust Fund shall consist of:

(a) All moneys paid to this state by United States tobacco products manufacturers under the Master Settlement Agreement of 1998;

(b) All earnings from investments of moneys in the fund.

(c) Any moneys appropriated to the fund by the Legislative Assembly;

(d) Any gifts, grants, federal government revenues or other moneys as may be made available for deposit into the Oregon Health Plan Trust Fund.

(4) Appropriations of the earnings in the fund shall, to the extent possible, maximize funding for expanding children's health coverage under the Children's Health Insurance Program, Title XXI of the federal Social Security Act.

**SECTION 2.** (1) Notwithstanding section 1 (2) of this Act, the Legislative Assembly, upon approval by two-thirds of the members elected to each house of the Legislative Assembly, may appropriate moneys from the Oregon Health Plan Trust Fund principal when the following economic conditions present or predicted in this state indicate the presence or likelihood of an economic recession:

(a) The seasonally adjusted rate of nonfarm payroll employment declines for two or more consecutive quarters; and

(b) A quarterly economic and revenue forecast projects a negative ending balance that is greater than one percent of General Fund appropriations for the biennium for which the forecast is being made.

(2) Notwithstanding section 1 (2) of this 1999 Act, the Legislative Assembly may also appropriate moneys from the Oregon Health Plan Trust Fund principal when any judicial order or decree or any settlement agreement to which this state is a party requires the State of Oregon to pay any portion of the fund principal to the federal government.

(3) Appropriations made under subsection (1) or (2) of this section must be for the purpose of financing those health programs established or defined by law as programs eligible for such financing.

(4) The Legislative Assembly may by law prescribe the procedures to be used and identify the persons required to make the forecasts and projections described in subsection (1)(b) of this section.

(5) The Legislative Assembly may not use moneys in the Oregon Health Plan Trust Fund for a purpose other than financing Oregon Health Plan programs or under conditions other than those described in subsection (1) of this section unless the electors of this state approve a measure referred to the electors by the Legislative Assembly that authorizes the use of moneys in the Oregon Health Plan Trust Fund without regard to economic conditions or for a purpose specified in the measure. When the electors of this state approve the use of moneys in the fund for a purpose other than financing Oregon Health Plan programs, moneys may be appropriated from the Oregon Health Plan Trust Fund under this subsection only for the purpose approved by the electors.

**SECTION 3.** In the event that any statutory measure other than this 2000 Act and Measure 89 (General Election 2000, the legislatively-referred Initiative No. 211 of 1999 House Bill 2007) also involves the proposed use of moneys paid to this state by United States tobacco products manufacturers under the Master Settlement Agreement of 1998 and is considered for approval or rejection by voters at the November 2000 general election, the measure that receives the greatest number of votes at such election shall prevail, and the other measures shall be null and void.

4

# Measure No. 4

## EXPLANATORY STATEMENT

Ballot Measure 4 creates the Oregon Health Plan Trust Fund and requires that all moneys paid to the state by tobacco products manufacturers under the Master Settlement Agreement of 1998 will be deposited into the fund. Currently the use of moneys under the agreement is unrestricted.

All earnings on moneys in the fund will be appropriated continuously and spent only for the purpose of financing programs that provide or arrange medical, dental and other remedial care services for low-income children and low-income adults.

Measure 4 includes programs financed under the Children's Health Insurance Program and the measure directs that appropriations of fund earnings will, to the extent possible, be used to expand children's health coverage.

The Legislative Assembly may appropriate moneys from the principal of the trust fund only when approved by two-thirds of the members elected to each house of the Legislative Assembly and when economic conditions in the state indicate an economic recession is present or likely in the state. If appropriations from principal of the trust fund are made because of an economic recession, all such appropriations must be for the purpose of financing the same health programs eligible for funding from earnings of the trust fund under Measure 4.

The Legislative Assembly also may appropriate moneys from the principal of the trust fund when a judicial order or decree or any settlement agreement to which the state is a party requires the state to pay any portion of the fund principal to the federal government.

In addition to moneys received by the state under the Master Settlement Agreement, all earnings from investments of moneys in the trust fund, any moneys appropriated by the Legislative Assembly and any gifts, grants, federal government revenues or moneys directed toward the trust fund will be deposited in the trust fund.

Oregon election law provides that when two ballot measures conflict, as Measure 89 and Measure 4 do, the measure receiving the highest number of "yes" votes will prevail.

**Committee Members:**

Senator Lee Beyer  
 Senator Gene Timms  
 Representative Mark Simmons\*  
 Jerry Spegman\*  
 Kathleen Beaufait

**Appointed by:**

Chief Petitioners  
 Chief Petitioners  
 Secretary of State  
 Secretary of State  
 Members of the Committee

\*Member dissents (does not concur with explanatory statement)

*(This committee was appointed to provide an impartial explanation of the ballot measure pursuant to ORS 251.215.)*

4

# Measure No. 4 Arguments

## ARGUMENT IN FAVOR

**Oregon Nurses Association Asks You to  
Take a Close Look at Measure 4.**

**Nurses Believe Measure 4 Makes the Best Use of  
State Tobacco Settlement Revenues.**

Oregon is expected to receive more than \$2 billion over 25 years as its share of the national tobacco settlement. Measure 4 prudently invests Oregon's share of the tobacco settlement in the Oregon Health Plan Trust Fund to provide a long-term, stable funding base for Oregon Health Plan programs.

The Oregon Nurses Association supports Measure 4 for three reasons:

1. **Measure 4 prudently invests the money Oregon gets from the tobacco settlement in a trust fund.** Only earnings from the fund may be spent and those earnings are dedicated permanently to pay for Oregon Health Plan programs. Spending settlement money as it's received would create a future deficit when tobacco company payments drop. Measure 4 guarantees perpetual benefits that will grow as the trust grows and provide a permanent base of funding for Oregon Health Plan programs.
2. **It puts the priority on health care coverage for children.** Measure 4 requires that trust fund earnings be used to maximize coverage of uninsured children through the federal Children's Health Insurance Program. That will extend health care coverage to 61,000 low-income children who currently have no health insurance.
3. **Measure 4 maximizes the amount of money available for low-income health care.** Nearly every dollar provided by Measure 4 will be matched by two or more dollars from the federal government. Because Measure 4 allows the state to leverage federal funds, more than \$129 million will be available for Oregon Health Plan programs over the next two years.

The Oregon Health Plan has expanded health care coverage to more Oregonians, while nationally an increasing number are uninsured. Measure 4 provides the essential stability needed to make sure the Oregon Health Plan itself stays healthy.

The Oregon Nurses Association recommends you vote **YES on Measure 4.**

*(This information furnished by Martin Taylor, Nurses United affiliated with Oregon Nurses Association.)*

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## ARGUMENT IN FAVOR

**Measure 4 will ensure continuation of the Children's Health Insurance Program, providing needed health coverage for uninsured Oregon children.**

**The Oregon Pediatric Society supports Measure 4.**

There's simply no good reason any child in Oregon should be without healthcare. Through the Oregon Health Plan, we've expanded healthcare coverage to thousands of poverty-level children. Because the federal Children's Health Insurance Program (CHIP) matches state dollars on a nearly three-to-one basis, children's healthcare is a cost-effective investment.

The Oregon Health Plan has already reduced the rate of uninsured children in Oregon from 21% in 1990 to just 8% in 1999. That's progress, but more is needed.

Last year, limited state funds left more than 61,000 Oregon children – 18 and younger – without healthcare.

Ballot Measure 4 will change that. Measure 4 puts the priority on healthcare for children by specifically directing that trust fund earnings be used to maximize Oregon CHIP. It will afford us access to almost \$100 million in federal funds, money that Oregon CHIP has to "use or lose."

The Oregon Pediatric Society believes Measure 4 wisely invests the state's share of national tobacco settlement funds where it can do the most good for more children. Oregon's kids need to be healthy and nurtured in order to succeed in school and other activities. Measure 4 will help us give these kids a healthy future.

**The Oregon Pediatric Society urges you to vote YES on Measure 4.**

*(This information furnished by James K. Lacey, M.D., F.A.A.P., Oregon Pediatric Society.)*

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# Measure No. 4 Arguments

## ARGUMENT IN FAVOR

### GOVERNOR KITZHABER RECOMMENDS A YES VOTE ON MEASURE 4.

Measure 4 creates the Oregon Health Plan Trust Fund and invests in a permanent trust all the money the state will get from tobacco companies as part of the national tobacco settlement. Earnings from the trust will be dedicated to Oregon Health Plan programs.

The tobacco settlement provides Oregon the chance to secure stable, long-term funding for Oregon Health Plan programs. It resulted from the state's lawsuit seeking reimbursement of state expenses paying for treatment of tobacco-related illnesses among low-income Oregonians. It's logical to use the settlement to pay for low-income health care.

The Oregon Health Plan has helped the state extend health care coverage to more and more of its citizens. Yet children and working low-income families constantly are at risk of losing their health care coverage because the state lacks funds needed to take full advantage of federal health care programs. And an estimated 327,000 Oregonians still have no health insurance.

**Ballot Measure 4 is an important part of ensuring stable, long-term funding for the Oregon Health Plan, particularly for low-income children.**

Measure 4 will provide coverage for 48,000 low-income children who otherwise would have no health care. But it also will help more than 18,000 low-income working families pay for health care coverage they now are on a waiting list to buy.

Measure 4 makes good use of Oregon's tobacco settlement windfall. Nearly every dollar of funding for health care provided by Measure 4 will be matched by almost two dollars from the federal government. By using trust fund earnings to leverage federal funds, Measure 4 will add more than \$100 million for Oregon Health Plan programs over the next two years.

I urge you to join me in voting YES on Measure 4.

John Kitzhaber  
Governor

*(This information furnished by John A. Kitzhaber, M.D.)*

*(This space purchased for \$500 in accordance with ORS 251.255.)*

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## ARGUMENT IN FAVOR

### Northwest Organization of Nurse Executives Recommends a YES Vote on Measure 4.

Our members are responsible for the administration and management of patient care services in all settings where health care is delivered. We recommend you vote YES on Measure 4.

The Northwest Organization of Nurse Executives provides leadership for healthier communities, which aligns well with the Oregon Health Plan's focus on prevention and wellness. As an example, and unlike many private health insurance plans, the Oregon Health Plan fully covers tobacco cessation programs. That's especially important because nearly 40 percent of those eligible for the Oregon Health Plan are smokers.

The biggest challenge the Oregon Health Plan faces is the threat every two years that budget competition will force cuts and fewer Oregonians – particularly vulnerable children – will lose the coverage they now enjoy.

Measure 4 puts a permanent foundation under Oregon Health Plan funding by dedicating the money Oregon will receive from the national tobacco settlement into the Oregon Health Plan Trust Fund. It makes good economic sense to invest all that money and spend only the earnings from the trust. It guarantees continued funding of the Oregon Health Plan.

### Measure 4 Expands Coverage for Children

Measure 4 puts first priority on expanding coverage for Oregon children who have no health care. Ongoing care during childhood is a critical key to adult wellness.

Most Oregon Health Plan programs qualify for federal matching funds, so nearly every dollar of funding for health care provided by Measure 4 will be matched by two or more dollars from the federal government. If Measure 4 passes, nearly \$130 million will be available for Oregon Health Plan programs in the next legislative session. That will continue to grow as the trust fund grows.

Measure 4 helps make sure the Oregon Health Plan has the long-term base of support it needs.

### Please Vote YES on Measure 4.

*(This information furnished by Judy Tatman, Northwest Organization of Nurse Executives.)*

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# Measure No. 4 Arguments

## ARGUMENT IN FAVOR

### OREGON MEDICAL ASSOCIATION SUPPORTS MEASURE 4

Oregon Medical Association, the professional association of over 6,000 Oregon physicians, supports passage of Measure 4. It is the most appropriate use of Oregon's share of the national tobacco settlement.

Measure 4 dedicates every dollar of the estimated \$2 billion the state will receive from the tobacco settlement and creates the OREGON HEALTH PLAN TRUST FUND. ONLY the earnings from the trust fund may be spent and ONLY for Oregon Health Plan programs.

The tobacco settlement was based on costs Oregon incurred for treatment of low-income Oregonians suffering from tobacco related illnesses – this is why Measure 4's dedication of tobacco settlement funds to a trust fund is most appropriate.

The federal government matches nearly every dollar of State spending on health care for the Oregon Health Plan. This allows the State of Oregon to leverage the earnings from the trust fund to the benefit of all Oregonians.

Establishing the OREGON HEALTH PLAN TRUST FUND helps Oregon create an endowment that will grow and will provide resources to sustain the Oregon Health Plan for many years to come.

Measure 4 makes good business sense and it is good medical policy for all Oregonians.

Please vote YES on Measure 4.

Submitted by  
David J. Lindquist, M.D.  
President

*(This information furnished by Robert L. Dernedde, CAE, Oregon Medical Association.)*

*(This space purchased for \$500 in accordance with ORS 251.255.)*

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## ARGUMENT IN FAVOR

### SAVE THE OREGON HEALTH PLAN

#### Vote YES on Measure 4

The Oregon Health Plan is a bold approach to expanding health care access for low-income Oregonians. While nationally the number of uninsured has risen to 18 percent, the number of Oregonians without health insurance has been reduced to 10 percent - thanks in large part to the Oregon Health Plan. Since the Oregon Health Plan was implemented, the rate of uninsured children in Oregon has been cut from 20 percent to just 6 percent.

But the Oregon Health Plan is at risk. The current state budget left 61,000 children in Oregon without health care - despite the fact that the federal government will pay 72 cents of every dollar it costs to cover uninsured children. Another 18,000 Oregon working families were left waiting for state help in paying for their health insurance because the legislature couldn't fully fund the Family Health Insurance Assistance Program.

Without a solid foundation of funding, the Oregon Health Plan will continue to be threatened by competition for limited state funds and vulnerable if Oregon's economy sours.

#### **Measure 4 offers the stability the Oregon Health Plan needs to survive.**

Because Measure 4 allows the state to leverage federal funds, more than \$80 million will be available for Oregon Health Plan programs over the next two years. Nearly every dollar of funding for health care provided by Measure 4 will be matched by two or more dollars from the federal government.

That amount will grow over the next 23 years as the Oregon Health Plan Trust Fund grows. More important, Oregon Health Plan Trust Fund will provide permanent, guaranteed funding.

The Oregon Health Plan has worked to expand coverage and keep health care costs in Oregon among the lowest in the nation.

#### **The Oregon Association of Hospitals and Health Systems urges you to vote YES on Measure 4 to save the Oregon Health Plan.**

*(This information furnished by Kenneth Rutledge, Oregon Association of Hospitals and Health Systems.)*

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# Measure No. 4 Arguments

## ARGUMENT IN FAVOR

### NICU Physicians and Nurses YES on Measure 4

Imagine the stress for parents of newborns who require the care of specially trained doctors and nurses in Oregon's neonatal intensive care units. Then imagine wondering how you are going to pay for the lifesaving healthcare services when you have no insurance. The medical costs can easily be \$2,000 per day. It is economically devastating.

Measure 4 can ease some of the financial burden for poverty level and low-income working families. That is why the doctors and nurses who devote themselves to saving the tiniest of Oregon's babies support Measure 4. We want all babies to have access to healthcare services.

Measure 4 invests the state's share of the national tobacco settlement in a trust fund where the earnings from the fund are specifically targeted for children's health insurance. Measure 4 earnings will provide the state funds needed to access federal matching dollars, which will ultimately give Oregon the ability to receive over \$129 million to pay for healthcare for children.

According to the Department of Administrative Services, if Measure 4 passes, **Oregon will have more trust fund earnings in the first biennium than it has been able to invest in Children's Health Insurance Program since the program began in 1997!** Measure 4 will have a positive impact on the lives of so many of our smallest citizens.

**Please help us make a difference – vote YES on Measure 4.**

*(This information furnished by Barbara Roberts, RN, Lee Harker, MD, Rogue Valley Medical Center Neonatal Intensive Care Unit; Marjorie Gold, RN, St. Charles Medical Center Neonatal Intensive Care Unit; John V. McDonald, MD, Providence St. Vincent Neonatal Intensive Care Unit; Melinda Rupp, RN, Patrick Lewallan, MD, Legacy Emanuel Children's Hospital; A. Charles Hoffmeister, MD, Ronald Gordon, Molly Bryant, RN, Fredericka Smithies, CNA, Ann Krenek, RN, Deborah Moss, RN, Annette Garner, RN, Sacred Heart Medical Center Neonatal Intensive Care Unit.)*

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## ARGUMENT IN FAVOR

### The Chief Sponsors Explain Why They Support Measure 4

As Chief Petitioners of Measure 4 and with a combined 28 years of legislative service, we are proud to present this stable, long-term funding solution for the Oregon Health Plan. It invests funds Oregon will receive from the national tobacco settlement, compensating the state for past, present and future costs for treatment of low-income Oregonians suffering tobacco-related illnesses.

Measure 4 creates the Oregon Health Plan Trust Fund and dedicates all the earnings from the trust to funding Oregon Health Plan programs – for children, low-income working families and others who can't afford health insurance. It also maximizes limited funds by triggering federal matching dollars that almost triples the value of every dollar the trust earns.

Too often the Legislature looks to short-term political solutions, avoiding the long-term consequences of their actions. Measure 4 corrects the poor decision legislators made in sending Measure 89 to voters. Measure 89 dilutes earnings from Oregon's share of the tobacco settlement by spending earnings on a range of programs that don't qualify for federal matching funds. And Measure 89 fails to direct any funding for Oregon Health Plan programs.

Since its inception, Oregon Health Plan funding has been threatened by budget constraints. It may be tempting to spend tobacco settlement payments as we get them, but that would provide only short-term help. The Oregon Health Plan Trust Fund puts settlement dollars to work forever, providing a guaranteed base of future support for health care programs helping Oregon's most vulnerable citizens.

Measure 4 lets Oregonians send a strong message to future Legislatures: "We want tobacco settlement revenue used to **SAVE THE OREGON HEALTH PLAN** so it can continue providing healthcare to low-income children and families."

Please support this bipartisan request from a rural and urban legislator to do what is right for all of Oregon.

### VOTE YES ON MEASURE 4!

Senator Eugene Timms (R-Burns)

Senator Lee Beyer (D-Springfield)

*(This information furnished by State Senator Lee Beyer, State Senator Eugene Timms.)*

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# Measure No. 4 Arguments

## ARGUMENT IN FAVOR

**Oregon Rural Health Association supports Measure 4. It makes good use of national tobacco settlement revenues.**

**The Oregon Health Plan is seriously threatened every year.** Oregon's comprehensive plan to extend health care coverage to uninsured low-income Oregonians is constantly at risk in state budget battles. Measure 4 would create a permanent foundation for Oregon Health Plan funding by creating a trust fund with national tobacco settlement dollars and dedicating its earnings to fund Oregon Health Plan programs.

Rural Oregon has a higher percentage of Oregonians living in poverty than urban areas. Oregon Health Plan coverage has been the gateway to health care for many rural Oregonians who otherwise couldn't afford ongoing health care for themselves and their families. As health care consumers and providers in rural Oregon, stable funding of the Oregon Health Plan is a top priority of the Oregon Rural Health Association.

The national tobacco settlement resulted from the state's lawsuit seeking compensation for past, present and future costs of covering the treatment of tobacco-related illnesses for low-income Oregonians. It's logical to use settlement dollars to pay for low-income health care.

**Measure 4 will provide health care coverage to thousands of low-income children who currently have no health care.** The federal government pays 72 cents of every dollar spent on health care for children in low-income families through the Children's Health Insurance Program. Measure 4 will fund insurance for more than 50,000 children not currently covered.

**Measure 4 will provide health care coverage for low-income working families.** Measure 4 will help more than 18,000 families on the waiting list for the Family Health Insurance Assistance Program to get the health insurance their families need.

The Oregon Rural Health Association is the only organization that speaks for health care providers, consumers and the economic interests of rural Oregon. Measure 4 is a good deal for rural Oregon. Please Vote YES.

*(This information furnished by Lynn C. Ironside, Secretary, Oregon Rural Health Association.)*

*(This space purchased for \$500 in accordance with ORS 251.255.)*

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## ARGUMENT IN FAVOR

### SUPPORT MEASURE 4

#### Save the Oregon Health Plan

The following state legislators, from both political parties and from around the state, request your YES vote on Measure 4:

Senator Lee Beyer, D-Springfield

Representative Gary Hansen, D-Portland

Representative Bob Jenson, R- Pendleton

Representative Jerry Krummel, R-Wilsonville

Representative Jeff Kruse, R-Roseburg

Senator John Lim, R-Gresham

Representative Bob Montgomery, R-Cascade Locks

Senator David Nelson, R-Pendleton

Representative Barbara Ross, D-Corvallis

Senator Marylin Shannon, R-Brooks

Senator Charles Starr, R-Hillsboro

Senator Veral Tarno, R-Coquille

Representative Terry Thompson, D-Newport

Senator Eugene Timms, R-Burns

Representative Jackie Winters, R-Salem

Representative Bill Witt, R-Portland

**Please vote YES on Measure 4.**

*(This information furnished by Pat McCormick, Committee to Save the Oregon Health Plan.)*

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# Measure No. 4 Arguments

## ARGUMENT IN FAVOR

**Child Advocates  
Urge You to Vote YES on Measure 4  
To Provide Health Care Coverage  
for All Oregon's Children**

As long time children's advocates, we are dedicated to the well-being of each and every child in Oregon. We strongly support Measure 4 and urge you to vote yes.

The federal Children's Health Insurance Program (CHIP) allows states to provide healthcare coverage for otherwise uninsured children through age 18. Under CHIP, the federal government pays 72 cents of every dollar spent on healthcare for children in low-income families. In other words, it costs Oregon only 28 cents to provide low-income children a dollar's worth of healthcare. But despite the substantial federal help, last year the state could only afford to add coverage for about 17,000 young Oregonians.

**Today more than 61,000 Oregon children remain without healthcare coverage.**

**Measure 4 will provide coverage for those children who otherwise would have no healthcare.**

Oregon owes its youth a healthy start in life. Measure 4 is a wise investment of tobacco settlement moneys in the health and well-being of Oregon children who, through no fault of their own, lack healthcare coverage.

**Please vote YES on Measure 4**

**Muriel and Marvin Goldman  
Child advocates**

*(This information furnished by Muriel Goldman, Marvin Goldman.)*

*(This space purchased for \$500 in accordance with ORS 251.255.)*

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## ARGUMENT IN FAVOR

**SUPPORT MEASURE 4  
Save the Oregon Health Plan**

The following candidates for the state legislature, from both political parties and from around the state, request your **YES** vote on Measure 4:

- Alan Bates, D-Eagle Point, House District 52
- Alan Brown, R-Newport, House District 4
- Bill Duncan, D-Summersville, Senate District 29
- Irv Fletcher, D-Woodburn, House District 38
- Mitch Greenlick, D-Portland, House District 7
- Linda Harrington, D-Prairie City, House District 59
- Cedric Hayden, R-Eugene, House District 43
- Lon Holston, D-Central Point, House District 51
- Jane Hunts, R-Eagle Point, House District 52
- Debra James, D-Klamath Falls, Senate District 30
- Scott Lutz, R-Portland, House District 15
- Roger McCorkle, D-Florence, Senate District 24
- John Scruggs, R-Aloha, House District 6
- Wayne Snoozy, D-Klamath Falls, House District 53
- Kelley Wirth, D-Corvallis, House District 35
- Paul Zastrow, D-Hood River, House District 56

**Please vote YES on Measure 4.**

*(This information furnished by Pat McCormick, Committee to Save the Oregon Health Plan.)*

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# Measure No. 4 Arguments

## ARGUMENT IN OPPOSITION

The American Heart Association  
**BALLOT MEASURE 4  
FAILS TO PROVIDE PREVENTION**

The National Tobacco Agreement will bring hundreds of millions of dollars to Oregon. It would be a big mistake not to spend any of the settlement on tobacco-prevention. This is an historic opportunity that will not come to Oregon again anytime soon. Let's not make a mistake that we will be **paying for**, for the rest of our lives.

**BALLOT MEASURE 4  
FAILS TO REDUCE COSTS TO TAXPAYERS**

It's been estimated that diseases caused by tobacco use costs Oregonians over \$1 billion dollars a year in economic and health costs. Just over \$300 million a year in taxpayer dollars is spent in Oregon on public health care. The only way we can really reduce these costs over the long haul is to invest in tobacco prevention today.

**BALLOT MEASURE 4  
FAILS TO PROTECT OUR KIDS**

The overwhelming majority of smokers began smoking as children or teens. Smoking has devastating health consequences. For instance, 21% of all heart disease deaths are caused by smoking. Tobacco prevention is critical to keeping our kids healthy now, and in the future.

That's Why...

**THE AMERICAN HEART ASSOCIATION  
is Opposed to Measure 4**

Tobacco Settlement Money Must Be Used For  
Tobacco Prevention!

**TO ENSURE THE FUTURE HEALTH OF OREGON  
VOTE NO on BALLOT MEASURE 4**

*(This information furnished by John W. Chism Jr., American Heart Association, Northwest Affiliate.)*

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## ARGUMENT IN OPPOSITION

The AMERICAN LUNG ASSOCIATION of Oregon  
**Opposes Measure 4**  
Tobacco Settlement Dollars Should be Spent  
on Tobacco Prevention Programs

**MEASURE 4 PROVIDES NO MONEY AT ALL  
FOR TOBACCO USE REDUCTION FOR OUR KIDS**

And, there are a few things we think you should know before you vote. We're opposing this Measure 4 because it would stop even one penny of the tobacco settlement money from being spent on tobacco prevention programs in Oregon. The very programs we need to keep our kids safe and healthy...and that's just wrong.

We're the American Lung Association of Oregon. We've spent nearly a century in Oregon promoting and providing programs to prevent devastating tobacco-related diseases like lung cancer and emphysema. You can trust us to put the health of Oregonians first and foremost, we always have.

**We Believe the Settlement Money Should be Used as it was Intended, which is to Reduce Tobacco Use.**

**FACT:** Implementing effective youth-targeted programs, combined with community and media activities, can prevent or postpone the onset of smoking among 20% to 40% of U.S. adolescents.

**FACT:** 90% of new smokers are children and teens. According to the Centers for Disease Control (CDC), comprehensive tobacco prevention programs are the most effective in reducing tobacco use.

**FACT:** Nationwide public health studies indicate more than one-third (36.4%) of high school students are current smokers. In Oregon, over 60,000 children already use tobacco.

**We believe you should know who is behind Measure 4...  
The HMO INDUSTRY in Oregon.**

**FACT:** The Association representing Oregon HMOs put Measure 4 on the ballot.

**FACT:** Measure 4 was designed to put the HMO's interests first.

**FACT:** Measure 4 is just another special interest ballot measure that says one thing, but does another.

**The AMERICAN LUNG ASSOCIATION of Oregon Urges You  
to**

**Vote "No" on MEASURE 4**

*(This information furnished by David J. Delvallee, American Lung Association of Oregon.)*

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# Measure No. 4 Arguments

## ARGUMENT IN OPPOSITION

The American Cancer Society Says  
PLEASE VOTE NO ON MEASURE 4

Because Tobacco Settlement Dollars Should Go to  
Tobacco Prevention

### 1. Measure 4: Doesn't Give One Penny to Prevention

The Tobacco Industry is being forced to take responsibility for the billions of dollars they have cost U.S. taxpayers...it's called the National Tobacco Settlement. Now they must pay for their deceptive advertising aimed at our kids and their decades of lies about nicotine addiction. And, at least a portion of the money should be used to fund tobacco prevention efforts.

### 2. Measure 4: Look Who's Behind It

The HMO Industry is behind Measure 4. They're making a grab for every bit of the Tobacco Settlement. If this measure passes, it will be just another special interest measure promising one thing and delivering another. Measure 4 is nothing more than a special interest giveaway designed to line the pockets of HMO's.

### 3. Measure 4: Won't Decrease Future Costs Associated with Tobacco Use

The costs to Oregon taxpayers for health expenditures associated with tobacco-related diseases are mammoth...more than \$300 million dollars a year. That kind of money could make a real difference, if we didn't have to spend it each year on health care for preventable diseases. Tobacco-use is a real financial drain on us all.

The former director of the US Centers for Disease Control and Prevention (CDC) says...

"we could cut the rate of smoking in half among teens and adults this decade, if the nation would take the step of fully implementing anti-smoking programs."

But Measure 4 Puts Oregon on the Wrong Track... We can't just sit by while Measure 4 tries to keep any of the money at all from being spent on tobacco prevention. That's why we oppose Measure 4.

PLEASE MAKE A HEALTHY CHOICE FOR OREGON!

JOIN WITH THE AMERICAN CANCER SOCIETY  
In committing to tobacco settlement funding for tobacco prevention programs

**VOTE NO ON MEASURE 4**

*(This information furnished by Nancy Bennett, American Cancer Society.)*

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## ARGUMENT IN OPPOSITION

WHO HAVE YOU ALWAYS TRUSTED TO GIVE YOU HONEST INFORMATION ABOUT ISSUES THAT AFFECT THE HEALTH OF OREGONIANS?

Measure 4 prohibits any Tobacco Settlement money at all, from being spent on Tobacco prevention, and that's why...

The Following Groups ALL Oppose Measure 4

- American Cancer Society
- American Heart Association
- American Lung Association, Oregon
- Oregon Federation of Nurses and Health Care Professionals
- American College of Cardiology, Oregon Chapter
- Oregon State Council of Senior Citizens
- Oregon Advocacy Coalition of Seniors & People with Disabilities
- Oregon Alliance of Children's Programs
- Oregon Health Care Association
- Portland Gray Panthers
- Oregon Center for Assisted Living
- Oregon Advocacy Center
- Oregon Consumer League
- American Association of University Women of Oregon
- Human Services Coalition of Oregon
- United Seniors of Oregon

WHO'S BEHIND MEASURE 4?

WHO'S THE ONLY CONTRIBUTOR TO PAY TO PUT IT ON THE BALLOT?

Answer: The Association representing the HMO Industry in Oregon—  
The HMO Industry has designed Measure 4 to put their interests above all others!

The People You Can Trust to Put Oregon's Health First

Urge You to: **VOTE NO ON MEASURE 4**  
it's bad for Oregon's health to fail to fund prevention!

*(This information furnished by John Valley, American Cancer Society.)*

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# Measure No. 4 Arguments

## ARGUMENT IN OPPOSITION

We Are:

The American Heart Association

The American Cancer Society

The American Lung Association  
Of Oregon

And

**WE ARE OPPOSED TO MEASURE 4  
BECAUSE**

It Takes the Entire Tobacco Settlement and  
Prohibits Any of the Money at All  
from being Dedicated to Tobacco Prevention

**THE US CENTERS FOR DISEASE CONTROL AND  
PREVENTION, the "CDC" says...**

The following are excerpts from the US Surgeon General and  
the Centers for Disease Control and Prevention Report  
"Healthy People 2010, Emphasis Added.

- "The most important advance in comprehensive programs has been the emergence of statewide tobacco control efforts"
- Evidence shows that these multi-faceted, state-based tobacco control programs are effective in reducing tobacco use"

**We AGREE with the US CENTERS FOR DISEASE CONTROL  
AND PREVENTION, the "CDC"  
Prevention Does Work!!!**

And, because prevention works,  
Oregon's Heart, Lung and Cancer Organizations

**are ALL Opposed to Measure 4**

This measure prevents any of the Tobacco Settlement money  
from being spent on tobacco prevention

**We Urge Your No Vote on Measure 4**

Please Join us in Supporting a Healthy Future for Oregon!  
Please Join Us in Supporting Prevention Today!

*(This information furnished by Nancy Bennett, American Cancer Society.)*

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## ARGUMENT IN OPPOSITION

**OREGON NURSES & HEALTH CARE PROFESSIONALS**

**REJECT BALLOT MEASURE 4**

**Because it doesn't do anything for prevention!**

**VOTE NO ON MEASURE 4...**

because it fails to use even a portion of the Tobacco Settlement money for tobacco-prevention.

**VOTE NO ON MEASURE 4...**

because prevention programs to ensure the future health of Oregon's kids deserve to be a top priority.

**VOTE NO ON MEASURE 4...**

because the huge costs associated with treating tobacco-related illnesses are breaking the "financial" backs of Oregon taxpayers.

**VOTE NO ON MEASURE 4...**

because it was sponsored by the Association that represents the HMO Industry in Oregon and was written to put their interests first.

As nurses and health care providers, we can tell you first hand, diseases caused by tobacco take a real toll, both on people's health and on scarce healthcare dollars. The Tobacco Settlement was, in great part, about decreasing the future cost associated with nicotine addiction and smoking. We're opposing Measure 4 because it stops **even, a nickel** of the Tobacco Settlement from going to tobacco prevention programs in Oregon.

### **The Facts-**

1. Everyday in America, nearly 3,000 children start to smoke;
2. Nearly every adult smoker today, started smoking as a kid (90%);
3. The greatest tobacco use increase in youth occurs between 7th and 9th grade.

### **The Costs-**

1. It costs Oregon taxpayers more than **\$300 million dollars** a year on average, for public health costs associated with tobacco use
2. It costs Oregon taxpayers, about **\$100 million dollars** in indirect costs associated with 1 million lost work days associated with tobacco use
3. It costs Oregon more than **\$400 million dollars** a year on average, for private health costs associated with tobacco use

**Measure 4 Doesn't Spend a Dime on Prevention  
Measure 4 Won't Do One Thing to Reduce  
Future Health Care Costs**

**Please Join the Oregon Federation of Nurses and  
Health Professionals**

in

**Voting NO on Measure 4!**

*(This information furnished by Katherine R. Schmidt, Oregon Federation of Nurses & Health Professionals.)*

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# Measure No. 4 Arguments

## ARGUMENT IN OPPOSITION

**Nurses in Oregon Invite You to Take  
a Closer Look at Measure 4**

**MEASURE 4 PROVIDES NO MONEY AT ALL FOR  
TOBACCO PREVENTION**

The Surgeon General has stated that smoking rates among teens could be cut in half within the decade if the nation would fully implement anti-smoking programs.

**When will we ever learn?  
Prevention saves lives and money!**

As nurses, we see the devastation caused by tobacco-related health problems on a daily basis. And, we see the financial drain on the health care system caused by these preventable diseases. Yet, Measure 4 stands poised to put Oregon on the wrong track because it fails to address prevention.

**The Price-Tag for Tobacco Use in Oregon is Just Too High...**

**It Costs Oregon Taxpayers Too Much Money:**

Each year hundreds of millions of the public's money is spent on tobacco-related illness. It's estimated, that in Oregon, more than \$300 million dollars a year are spent on subsidized health services for those with diseases like lung cancer and emphysema. Another \$100 million is lost from Oregon's economy each year due to lost days of work for those suffering from these diseases.

**It Costs Oregon Citizens Too Many Lives:**

Tragically, tobacco kills more than 1 in 5 Oregonians. It is believed that approximately 6,000 lives are lost each year in Oregon, and another 400,000 nationwide, directly attributable to tobacco use. Well over 80% of new smokers are children and teenagers.

**So it just makes sense...**

**The Tobacco Master Settlement should be spent on tobacco prevention.**

**Nurses in Oregon Oppose Measure 4**

**VOTE NO ON MEASURE 4**

The Tobacco Settlement Should be Spent on Tobacco Prevention!

**Natalie Rasmussen, Registered Nurse**

**Lisa K. Hansen, Registered Nurse**

**Carolyn Carter, Registered Nurse**

**Anne Rosenfeld, Registered Nurse**

**Jean R. Moseley, Registered Nurse**

**Sara Crivellone, Registered Nurse**

**Maryanne Bletscheu, Registered Nurse, MSN**

*(This information furnished by Maryanne Bletscheu, RN, MSN.)*

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## ARGUMENT IN OPPOSITION

**Former Surgeon General C. Everett Koop Urges No Vote on Measure 4**

Dear Oregon Families,

Measure 4 is a measure drafted by the association representing the HMO Industry. It prevents the State's tobacco settlement from being used for what it was intended: to reduce the damage that tobacco use inflicts on Oregon. **The measure doesn't put one penny into tobacco prevention!** What greater investment can we make in public health than prevention? What investment would give greater returns than antismoking programs? The answer is none. That is why Oregon's leading public health advocates oppose Measure 4. I urge voters to protect Oregonians' health, lives and pocketbooks by voting **NO** on Measure 4.

The tobacco settlement is an historic opportunity—not only to send a message to tobacco companies that we recognize their products for what they are—agents of death—but to put in place programs that will improve public health in the future by reducing tobacco use. Measure 4 ignores this opportunity. Using the tobacco settlement money for what it was intended - to provide smoking prevention programs, especially for kids and to help smokers stop smoking, is the wisest use for these funds.

As former Surgeon General I know tobacco use is the nation's number one preventable cause of premature death and disease. The devastating effects of smoking are clear—thousands of lives have been lost and billions paid to provide health services to persons with tobacco-related illness. Despite this, tobacco companies continue to addict thousands of new smokers. After a drop in the number of youth smokers, smoking is again on the rise among young people for most of the last decade. We need to make investments in smoking prevention efforts—and to use the settlement for what it was intended: **to reduce the damage that tobacco use inflicts on Oregon.** Measure 4 fails to do that.

I urge you to vote **NO** on Measure 4.

Sincerely,

C. Everett Koop, M.D, Sc.D.

*(This information furnished by Dr. C. Everett Koop.)*

*(This space purchased for \$500 in accordance with ORS 251.255.)*

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# Measure No. 4 Arguments

## ARGUMENT IN OPPOSITION

### OREGON SENIORS WEIGH IN ON MEASURE 4

Oregon State Council of Senior Citizens

Oregon Advocacy Coalition of Seniors & People with Disabilities

United Seniors of Oregon

Portland Gray Panthers

**We Hope You Will Vote "NO" to Ballot Measure 4**  
Prevention Has Just **GOT** to become a Priority for Oregon's Share of the Tobacco Settlement

As organizations working on behalf of Oregon's elderly, including those who may be frail or disabled, we see Oregonians every day who are near the end of their life. Oregonians in assisted living, convalescent or long-term care facilities. Tragically, many of them experience illnesses attributed to a lifetime of tobacco use. **Smoking prevention programs for our kids now will help reduce the number of Oregonians who face these sorts of diseases in the decades to come.**

### Measure 4 is Too Costly for Oregon Taxpayers!

The costs: health care costs, human costs, economic costs, are huge. And, Measure 4 does not provide any funding for tobacco prevention. The Tobacco Settlement's purpose was to provide some money for tobacco-prevention programs. We can't afford to turn our backs on this chance to reduce smoking and all the future associated costs to Oregon.

### Oregon Taxpayers Pay the Price

Oregon taxpayers pay millions and millions of dollars to underwrite the costs of illnesses caused by tobacco use. In 1996 alone, the price tag in Oregon was almost \$400 million in public health care expenditures. And, a total cost of \$1.5 BILLION is estimated to be lost on all the economic costs associated with smoking—loss of productivity, lost workdays and private and public health care costs. Smoking prevention would go along way to reducing these costs, now and in the future.

### OREGON SENIORS

Are Asking You To

### VOTE NO ON BALLOT MEASURE 4

Smoking Prevention Should be a Priority for Tobacco Settlement Money

Let's Ensure the Future Health of Oregonians

*(This information furnished by Jim Davis, Oregon State Council of Senior Citizens, United Seniors of Oregon, Portland Gray Panthers, Oregon Advocacy Coalition of Seniors and People With Disabilities.)*

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## ARGUMENT IN OPPOSITION

The American College of Cardiology, Oregon Chapter:  
The Professional Organization for DOCTORS of Cardiology

OPPOSES

### BALLOT MEASURE 4

**PROHIBITS ANY MONEY AT ALL FROM BEING SPENT ON TOBACCO PREVENTION**

It would be a big mistake not to spend any of the Tobacco Settlement on tobacco-prevention. The Settlement will bring millions...**hundreds of millions of dollars to Oregon.** This is a once in a life time chance for Oregon that will never happen again. Let's not turn our backs on it! If we do, we will be paying for, for it well into the future.

OPPOSES

### BALLOT MEASURE 4

**COSTS TO TAXPAYERS TOO MUCH**

It's been estimated that, tobacco-related diseases cost Oregonians over \$300 million dollars a years in public health care expenditures. Another \$100 million is lost in productivity reductions attributed to lost workdays in Oregon. The only way we can really reduce these costs over the long haul is to invest in tobacco prevention today.

OPPOSES

### BALLOT MEASURE 4

**FAILS TO PROTECT OUR KIDS' FUTURE HEART HEALTH**

The overwhelming **majority of smokers began smoking as children** or teens. For example, smoking causes 21% of all heart disease deaths. And, smoking nearly doubles the risk of certain types of stroke. Tobacco prevention can make the difference keeping our kids healthy now, and for a lifetime.

That's Why...

**THE AMERICAN COLLEGE OF CARDIOLOGY,  
Oregon Chapter**

is Working to Defeat Measure 4

Tobacco Settlement Funds Should Be Used For  
Tobacco Prevention!

**TO ENSURE GOOD HEART HEALTH FOR OREGON**

Please Join DOCTORS of Cardiology  
in

**VOTING NO on MEASURE 4**

*(This information furnished by Sondra Gleason, American College of Cardiology, Oregon Chapter.)*

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# Measure No. 4 Arguments

## ARGUMENT IN OPPOSITION

### OREGON DOCTORS KNOW FIRST-HAND TOBACCO PREVENTION IS A WISE INVESTMENT

#### That's Why Oregon Doctors Oppose Measure 4

#### Measure 4 Means No Money for Tobacco Prevention

The Tobacco Settlement is supposed to be used to fight tobacco-related illnesses. But, Measure 4 provides no money at all for tobacco use reduction...that's a real missed opportunity for Oregon and for our kids. If we spend some of the settlement money on helping people avoid smoking in the first place and helping current smokers quit, we can save lives, health care resources and tax dollars.

That's why doctors, nurses, senior's groups, children's groups and organizations like the Cancer Society, Lung Association, the Heart Association are all opposing Measure 4.

#### According to a 1996 Center for Disease Control (CDC) Report

##### The Tobacco Industry in Oregon made:

- **\$400 million dollars** in gross revenues

##### The Taxpayers of Oregon paid:

- **\$450 million dollars** in direct private medical expenditures
- **\$350 million dollars** in direct public medical expenditures
- **\$100 million dollars** in indirect costs due to lost days of work

**\$1.5 billion dollars:** the cost of tobacco use to Oregonians

**And, if Measure 4 passes \$0 dollars will be spent on tobacco-prevention!**

The fact is, tobacco prevention programs can save taxpayers money and that's an investment that Oregonians just can't afford to walk away from. Meanwhile, smoking is the most preventable cause of death in our society.

**Some of the settlement money should be invested in tobacco-prevention programs. It just makes good sense. It'll reduce both current and future health care costs, and tax dollars spent...but most of all it will save lives.**

Please Vote "No" on Measure 4

Join with Oregon Doctors in Investing in Tobacco Prevention

**Andrea Kielich, MD**

**David Kliewer, MD**

**Bruce Thomson, MD**

**Gary Goby, MD**

**Donald Austin, MD**

**Mark Rampton, MD**

**Tom Becker, MD**

**Jay Kravitz, MD**

**Bernard Kliks, MD**

**Bruce McLellan, MD**

**David Gilmour, MD**

*(This information furnished by Donald F. Austin, MD.)*

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## ARGUMENT IN OPPOSITION

### Oregon Health Care Association Says "NO" to Ballot Measure 4

Prevention Must be a Priority for Oregon's Share of the Tobacco Settlement

As an association of health care providers, we work with Oregonians every day who are at the end of their life. Oregonians in long term care, assisted living and nursing homes. Sadly, nearly 50% of all tobacco related health care costs in Oregon are spent caring for people in long-term care facilities. We see the worst of the devastation cause by a lifetime of smoking. Smoking prevention for our kids now will make the single biggest difference in reducing tobacco-use diseases and health care costs in the future.

#### Oregonians Just Can't Afford Measure 4!

The costs: health care costs, human costs, economic costs, are huge. And, Measure 4 does not provide any funding for tobacco prevention. The Tobacco Settlement's purpose was to provide some money for tobacco-prevention programs. We can't afford to turn our backs on this chance to reduce smoking and all the future associated health care costs to Oregon.

#### The HMO Industry is Behind Measure 4!

Measure 4 is being brought to Oregon voters by the HMO Industry...it was designed to put their interests first. It's just another special interest ballot measure that says one thing but does another.

#### Oregon Taxpayers Pay the Price

In 1993 Oregon spent nearly \$73 million to treat smoking-related illnesses. Half of that total was spent on nursing homes.

In 1996, Oregon Taxpayers spent almost \$400 million in tobacco-related health care expenditures. Vote No on Measure 4 and help control future health care costs.

#### The Oregon Health Care Association Urges Oregon to

#### VOTE NO ON BALLOT MEASURE 4

Prevention: It's What the Settlement Was About

Prevention: It's What Makes Sense for Oregon

Prevention: It's the Right Thing to Do

*(This information furnished by Jonathan Eames, Oregon Health Care Assn., Oregon Center for Assisted Living.)*

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# Measure No. 4 Arguments

## ARGUMENT IN OPPOSITION

**WE CARE ABOUT THE CHILDREN OF OREGON**  
**Join Us in Opposing Measure 4**  
**Because it Equals: No Money for Tobacco Prevention**

Dear Oregon Voter:

The Oregon Alliance of Children's Programs opposes Measure 4, because it provides no money at all from the Tobacco Settlement for tobacco prevention. We are an association of organizations devoted to helping kids in Oregon.

And, that's why we can't just stand by as **Measure 4 tries to divert every last penny** of the Tobacco Settlement away from **tobacco prevention programs for Oregon's kids**. We are committed to helping Oregon's kids have a healthy future.

The overwhelming majority of smokers start when they are children or teens. Let's face it, our kids are growing up facing all sorts of challenges we never would have imagined in our own childhood. Our kids face really tough pressures today. They are bombarded by destructive images in the media...peer pressure...school violence...it's unending.

That's why we need to do everything we can to help them stand up to these pressures, to make good decisions now and for the future. **That's why tobacco-prevention programs are key.**

The Tobacco Settlement is a chance to invest in Oregon's kids, by investing in tobacco prevention. It's true, we need to address kid's health issues now, but at the same time we need to invest in our kids' future health, too.

**Measure 4 would prevent even a small portion of the multi-million dollar Tobacco Settlement from being spent on tobacco prevention**. We have an obligation to do the right thing for our kids. We have an obligation to support prevention. We have an obligation to defeat Measure 4.

**THE OREGON ALLIANCE OF CHILDREN'S PROGRAMS**

**PLEASE JOIN US IN CASTING A**

**"NO" VOTE**

**ON MEASURE 4**

**Tobacco Dollars for Tobacco Prevention for Oregon's Kids**  
**It's What's Right**

*(This information furnished by Janet Arenz, Oregon Alliance of Children's Programs.)*

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## ARGUMENT IN OPPOSITION

**HUMAN SERVICES COALITION OF OREGON**

**Oppose Measure 4**  
**Support the Oregon Health Plan by Supporting Tobacco Prevention**

The Human Services Coalition of Oregon (HSCO) is comprised of organizations who are dedicated to providing low-income Oregonians with health care through the Oregon Health Plan. Yet, HSCO is opposed to Measure 4.

**Why is that?**

**Measure 4:**

Would prevent **any funds at all**, from the Tobacco Settlement, from going to tobacco prevention programs in Oregon.

**Measure 4:**

Violates the entire premise of the Oregon Health Plan—Prevention. The Oregon Health Plan is based on the fact that prevention services are always less costly than treating a preventable disease latter. **Yet, this measure won't address tobacco prevention at all.**

**Measure 4:**

Doesn't make good sense. If we would spend a responsible amount of the Tobacco Settlement on tobacco prevention now, we would save Oregon tax dollars and Oregon lives. **After all, decreasing future tobacco use was a key element of the Tobacco Settlement.**

**Please join HSCO, health care providers and nonprofit organizations dedicated to the prevention of heart, lung, cancer and other tobacco-induced illnesses, in opposing this measure**

**VOTE NO ON MEASURE 4**

**Tobacco Settlement Dollars for Tobacco Prevention**

*(This information furnished by Gina Mattioda, Co-Chair of HSCO.)*

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# Measure No. 4 Arguments

## ARGUMENT IN OPPOSITION

### **The Housing Lobby Coalition of Oregon Opposes Measure 4.**

Measure 4 sends the Tobacco Settlement money to the **Wrong Place** for the **Wrong Purpose**.

Oregon Should Use the Tobacco Settlement for **TOBACCO USE PREVENTION** and **HEALTH SUPPORT PROGRAMS** such as those found in Measure 89.

If Measure 4 passes, **not one penny** of the Tobacco Settlement money will go to tobacco use prevention programs in Oregon. And, that's wrong. The Tobacco Settlement was about Tobacco and the harm it has caused. We need to make **TOBACCO USE PREVENTION** and **HEALTH SUPPORT** a real priority in Oregon in order to address the long-term consequences of the diseases caused by tobacco.

Tobacco-related illnesses cost Oregon Taxpayers millions of dollars a year. Measure 4 provides little or nothing to reduce these costs.

Without a commitment to tobacco use prevention, Oregon Taxpayers will continue to pay the bills for long-term and chronic health conditions. Measure 4 is short-sighted, and it fails to help Oregon Taxpayers.

### **Measure 4 Does Nothing to Reduce Tobacco Use Among Oregon Youth.**

If we want a healthy Oregon tomorrow, we need to address prevention and health care today.

Measure 4 fails to do that, **NO** money at all would be spent on prevention or on **health support programs**.

### **Measure 4 Fails to Take A Comprehensive View of Health.**

Older Oregonians and Disabled Oregonians, including those who are disabled by the ravages of tobacco, have an increasingly difficult time finding affordable housing. They need assistance with housing and transportation to medical facilities and Measure 4 does nothing for them. **HOUSING IS FUNDAMENTAL TO HEALTH.**

The Housing Lobby Coalition of Oregon urges you to **Vote No on Measure 4.**

*(This information furnished by Jim Markee, Housing Lobby Coalition.)*

*(This space purchased for \$500 in accordance with ORS 251.255.)*

The printing of this argument does not constitute an endorsement by the State of Oregon, nor does the state warrant the accuracy or truth of any statement made in the argument.

# Measure No. 5

Proposed by initiative petition to be voted on at the General Election, November 7, 2000.

## BALLOT TITLE

### 5 EXPANDS CIRCUMSTANCES REQUIRING BACKGROUND CHECK BEFORE TRANSFER OF FIREARM

**RESULT OF "YES" VOTE:** "Yes" vote expands Oregon background check before firearm transfer at gun show or by dealer.

**RESULT OF "NO" VOTE:** "No" vote rejects expanding current Oregon background-check requirement beyond handgun transfers by gun dealers.

**SUMMARY:** State law currently requires background check before gun dealer sells handgun. Measure requires: background check before gun dealer transfers any firearm; background check, or transfer through gun dealer, before nondealer may transfer firearm at "gun show" (event with over 25 available firearms present). Noncompliance creates criminal liability. Retains background information five years; bars disclosure under Public Records Law. Expands crimes of providing false information, improper transfer, to include transfers of all firearms, not just handguns. Other changes.

**ESTIMATE OF FINANCIAL IMPACT:** State government expenditures are estimated at \$500,000 per year to conduct the additional criminal history background checks resulting from the measure and one-time start-up expenditures of \$150,000.

State revenues will increase revenues will increase by \$500,00 to \$700,000 a year from fees to cover the cost of the checks.

There is no financial effect on local government expenditures or revenues.

## TEXT OF MEASURE

Be it enacted by the People of the State of Oregon:

**SECTION 1.** The people of this state find that:

(1) The laws of Oregon regulating the sale of firearms contain a loophole that allows people other than gun dealers to sell firearms at gun shows without first conducting criminal background checks;

(2) It is necessary for the safety of the people of Oregon that any person who transfers a firearm at a gun show be required to request a criminal background check before completing the transfer of the firearm; and

(3) It is in the best interests of the people of Oregon that any person who transfers a firearm at any location other than a gun show be allowed to voluntarily request a criminal background check before completing the transfer of the firearm.

**SECTION 2.** Sections 1 to 8 of this 2000 Act and the amendments to ORS 166.416, 166.418 and 166.460 by sections 9, 10 and 11 of this 2000 Act shall be known as the Gun Violence Prevention Act.

**SECTION 3.** (1) As used in ORS 166.412 and sections 1, 5, 6 and 7 of this 2000 Act, "criminal background check" or "criminal history record check" means determining the eligibility of a person to purchase or possess a firearm by reviewing state and federal databases including, but not limited to, the:

- (a) Oregon computerized criminal history system;
- (b) Oregon mental health data system;
- (c) Law Enforcement Data System;

(d) National Instant Criminal Background Check System; and

(e) Stolen guns system.

(2) As used in sections 1, 5, 6, 7 and 8 of this 2000 Act:

(a) "Gun dealer" has the meaning given that term in ORS 166.412.

(b) "Gun show" means an event at which more than 25 firearms are on site and available for transfer.

**SECTION 4.** Sections 5 to 8 of this 2000 Act are added to and made a part of ORS 166.410 to 166.470.

**SECTION 5.** (1) Notwithstanding the fact that ORS 166.412 requires a gun dealer to request a criminal history record check only when transferring a handgun, a gun dealer shall comply with the requirements of ORS 166.412 before transferring any firearm to a purchaser. The provisions of ORS 166.412 apply to the transfer of firearms other than handguns to the same extent that they apply to the transfer of handguns.

(2) In addition to the determination required by ORS 166.412 (3)(a)(A), in conducting a criminal background check or criminal history record check, the Department of State Police shall also determine whether the recipient is otherwise prohibited by state or federal law from possessing a firearm.

(3) Notwithstanding ORS 166.412 (5), the department is not required to operate the telephone number established under ORS 166.412 (5) on Thanksgiving Day or Christmas Day.

(4)(a) The department may charge a fee, not to exceed the amount authorized under ORS 166.414, for criminal background checks required under this section or section 6 of this 2000 Act.

(b) The department shall establish a reduced fee for subsequent criminal background checks on the same recipient that are performed during the same day between the hours of 8 a.m. and 10 p.m.

**SECTION 6.** (1) The Department of State Police shall make the telephone number established under ORS 166.412 (5) available for requests from persons other than gun dealers for criminal background checks under this section.

(2) Prior to transferring a firearm, a transferor other than a gun dealer may request by telephone that the department conduct a criminal background check on the recipient and shall provide the following information to the department:

(a) The name, address and telephone number of the transferor;

(b) The make, model, caliber and manufacturer's number of the firearm being transferred;

(c) The name, date of birth, race, sex and address of the recipient;

(d) The social security number of the recipient if the recipient voluntarily provides that number;

(e) The address of the place where the transfer is occurring; and

(f) The type, issuer and identification number of a current piece of identification bearing a recent photograph of the recipient presented by the recipient. The identification presented by the recipient must meet the requirements of ORS 166.412 (4)(a).

(3)(a) Upon receipt of a request for a criminal background check under this section, the department shall immediately, during the telephone call or by return call:

(A) Determine from criminal records and other information available to it whether the recipient is disqualified under ORS 166.470 from completing the transfer or is otherwise prohibited by state or federal law from possessing a firearm; and

(B) Notify the transferor when a recipient is disqualified from completing the transfer or provide the transferor with a unique approval number indicating that the recipient is qualified to complete the transfer. The unique approval number is a permit valid for 24 hours for the requested transfer. If the firearm is not transferred from the transferor to the recipient within 24 hours after receipt of the unique approval number, a new request must be made by the transferor.

5

# Measure No. 5

(b) If the department is unable to determine whether the recipient is qualified for or disqualified from completing the transfer within 30 minutes of receiving the request, the department shall notify the transferor and provide the transferor with an estimate of the time when the department will provide the requested information.

(4) A public employee or public agency incurs no criminal or civil liability for performing the criminal background checks required by this section, provided the employee or agency acts in good faith and without malice.

(5)(a) The department may retain a record of the information obtained during a request for a criminal background check under this section for the period of time provided in ORS 166.412 (7).

(b) The record of the information obtained during a request for a criminal background check under this section is exempt from disclosure under public records law.

(6) The recipient of the firearm must be present when the transferor requests a criminal background check under this section.

(7)(a) Except as otherwise provided in paragraphs (b) and (c) of this subsection, a transferor who receives notification under this section that the recipient is qualified to complete the transfer of a firearm is immune from civil liability for any use of the firearm from the time of the transfer unless the transferor knows, or reasonably should know, that the recipient is likely to commit an unlawful act involving the firearm.

(b) If the transferor is required to request a criminal background check under section 7 of this 2000 Act, the immunity provided by paragraph (a) of this subsection applies only if, in addition to receiving the notification required by this section, the transferor has the recipient fill out the form required by section 7 (1)(a) of this 2000 Act and retains the form as required by section 7 (2) of this 2000 Act.

(c) The immunity provided by paragraph (a) of this subsection does not apply:

(A) If the transferor knows, or reasonably should know, that the recipient of the firearm intends to deliver the firearm to a third person who the transferor knows, or reasonably should know, may not lawfully possess the firearm; or.

(B) In any product liability civil action under ORS 30.900 to 30.920.

**SECTION 7.** (1) A transferor other than a gun dealer may not transfer a firearm at a gun show unless the transferor:

(a)(A) Requests a criminal background check under section 6 of this 2000 Act prior to completing the transfer;

(B) Receives a notification that the recipient is qualified to complete the transfer; and

(C) Has the recipient complete the form described in section 8 of this 2000 Act; or

(b) Completes the transfer through a gun dealer.

(2) The transferor shall retain the completed form referred to in subsection (1) of this section for at least five years and shall make the completed form available to law enforcement agencies for the purpose of criminal investigations.

(3) A person who organizes a gun show shall post in a prominent place at the gun show a notice explaining the requirements of subsections (1) and (2) of this section. The person shall provide the form required by subsection (1) of this section to any person transferring a firearm at the gun show.

(4) Subsection (1) of this section does not apply if the transferee is licensed as a dealer under 18 U.S.C. 923.

(5)(a) Failure to comply with the requirements of subsection (1), (2) or (3) of this section is a Class A misdemeanor.

(b) Notwithstanding paragraph (a) of this subsection, failure to comply with the requirements of subsection (1), (2) or (3) of this section is a Class C felony if the person has two or more previous convictions under this section.

(6) It is an affirmative defense to a charge of violating subsection (1) or (3) of this section that the person did not know, or reasonably could not know, that more than 25 firearms were at the site and available for transfer.

**SECTION 8.** (1) The Department of State Police shall develop a form to be completed by a person seeking to obtain a firearm at a gun show from a transferor other than a gun dealer. The department shall consider including in the form all of the requirements for disclosure of information that are required by federal law for over-the-counter firearms transactions.

(2) The department shall make the form available to the public at no cost.

**SECTION 9.** ORS 166.416 is amended to read:

166.416 (1) A person commits the crime of providing false information in connection with a transfer of a [*handgun*] firearm if the person knowingly provides a false name or false information or presents false identification in connection with a purchase or transfer of a [*handgun under ORS 166.412*] firearm.

(2) Providing false information in connection with a transfer of a [*handgun*] firearm is a Class A misdemeanor.

**SECTION 10.** ORS 166.418 is amended to read:

166.418. (1) A person commits the crime of improperly transferring a [*handgun*] firearm if the person is a gun dealer as defined in ORS 166.412 and sells, leases or otherwise transfers a [*handgun*] firearm and intentionally violates ORS 166.412 or section 5 of this 2000 Act.

(2) Improperly transferring a [*handgun*] firearm is a Class A misdemeanor.

**SECTION 11.** ORS 166.460 is amended to read:

166.460. (1) ORS 166.250, 166.260, 166.280, 166.291 to 166.295, 166.410, 166.412, 166.425 and 166.450 and sections 5 and 7 of this 2000 Act do not apply to antique firearms.

(2) Notwithstanding the provisions of subsection (1) of this section, possession of an antique firearm by a person described in ORS 166.250 (1)(c)(B), (C) or (D) constitutes a violation of ORS 166.250.

NOTE: **Boldfaced** type indicates new language; [*brackets and italic*] type indicates deletions or comments.

# Measure No. 5

## EXPLANATORY STATEMENT

Ballot Measure 5 expands current state law by requiring that a person other than a gun dealer who transfers a firearm at a gun show request a criminal background check. Current law requires only gun dealers to request such background checks. The measure defines a "gun show" as an event where more than 25 firearms are at the site and available for transfer. The measure specifies information that a person other than a gun dealer must provide to the State Police when requesting a criminal background check and establishes deadlines for the State Police to respond. The State Police may charge a fee, as provided under existing Oregon law, for the additional background checks authorized by this measure.

Under current law the State of Oregon conducts criminal background checks on purchases of handguns made through gun dealers, and the federal government conducts such checks on rifle and shotgun purchases made through gun dealers. This measure transfers the authority from the federal government to the state to conduct criminal background checks on rifle and shotgun purchases. The measure requires that the Department of State Police, in addition to conducting a criminal background check, determine whether a person is prohibited by state or federal law from possessing a firearm. Such prohibited persons include persons convicted of felonies and certain violent misdemeanors, and mentally ill persons who under state law are prohibited from purchasing or possessing a firearm.

The measure grants immunity from civil liability to a person who requests a background check and receives approval before transferring a firearm, unless the person knows or should know that the person to whom the firearm is being transferred is likely to commit an unlawful act involving the firearm. The immunity does not apply if the person knows that the recipient of the firearm intends to deliver the firearm to a third person who is prohibited from possessing a firearm. The measure does not grant immunity in a product liability action.

The measure creates the crimes of providing false information in connection with a transfer of a firearm and improperly transferring a firearm. Under current law these two crimes apply only to handguns.

**Committee Members:**

Senator Ginny Burdick  
 Dale Penn  
 Rod Harder\*  
 John Nichols\*  
 Les Swanson

**Appointed by:**

Chief Petitioners  
 Chief Petitioners  
 Secretary of State  
 Secretary of State  
 Secretary of State

\*Member dissents (does not concur with explanatory statement)

*(This committee was appointed to provide an impartial explanation of the ballot measure pursuant to ORS 251.215.)*

# Measure No. 5 Arguments

## ARGUMENT IN FAVOR

**THE MILLION MOM MARCH ASKS YOU TO PLEASE SUPPORT MEASURE 5!**

Felons and kids can easily buy guns in Oregon, no questions asked. That's because current law doesn't require a background check unless the seller is a licensed gun dealer.

That just doesn't make sense, and Measure 5 will stop it.

Measure 5 is a simple, common-sense measure that will protect our children and our communities from gun trauma by requiring buyers at gun shows to pass the same background check they would have to pass in a gun store, whether the seller is a licensed dealer or not.

Does it make sense that felons can buy any gun they want at a gun show, safe in the knowledge that the illegal sale will never be discovered? No!

Does it make sense that kids can walk into a gun show and walk out with a gun? No!

Does it make sense that unscrupulous gun owners can sell guns to illegal purchasers without any accountability? No!

Measure 5 is simple common sense.

Background checks will make it harder for felons, kids, or other prohibited purchasers to buy guns illegally.

Background checks will make it easier to trace guns recovered in crimes.

Background checks will make it easier to identify and prosecute gun traffickers who peddle guns to criminals and children.

A 1999 report by the federal Departments of Justice and the Treasury found that over ONE THIRD of all investigations of drug crimes and crimes of violence involved at least one weapon that could be traced to a gun show. Of these, the study found that ONE THIRD involved the possession by a MINOR of a gun that could be traced to a gun show.

Vote YES on Measure 5. It makes sense for our children, our communities and our state.

*(This information furnished by Penny Okamoto, The Organizing Chapters of the Oregon Million Mom March.)*

*(This space purchased for \$500 in accordance with ORS 251.255.)*

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## ARGUMENT IN FAVOR

### Close the Loophole ...That's Killing Oregonians!

We now have the opportunity to close a deadly loophole in our state's gun laws. Vote **YES on Measure 5**, the Gun Violence Prevention Act, which will make unlicensed dealers at gun shows play by the same rules that govern gun sales everywhere else in the state.

### Licensed gun dealers already run background checks

Under current law, licensed gun dealers must run background checks on all of their buyers - whether the purchase is made at a store or a gun show. But unlicensed sellers, who sell thousands of guns annually at Oregon gun shows, can sell to anyone, including violent felons - no questions asked. **Amazingly, at gun shows no background check is required when the seller is unlicensed.**

### Criminals Love Gun Shows

And make no mistake, unlicensed gun merchants are not just selling antique, Civil War era pistols for display on living room walls. These unlicensed dealers sell the full range of potent, modern weapons ... capable of inflicting widespread death and destruction. And they are selling them to criminals. Police investigations have consistently found that **gun shows are a major source of weapons for convicted felons, gang members and others not allowed by law to purchase firearms.** The tragic shooting deaths at Columbine High School are but one high profile example of the devastation caused by guns purchased from unlicensed dealers at gun shows.

### Common Sense Can Save Lives

Don't be misled by zealots who claim that this measure somehow violates the Second Amendment. This law will have absolutely no effect on the ability of a law-abiding citizen to buy, possess or sell firearms. It merely **applies current rules to unlicensed dealers.** That's just common sense.

We can fix this tragic flaw in our gun laws.

### CLOSE THE LOOPHOLE - VOTE YES ON MEASURE 5!

**Because We Care About Oregon PAC  
Beverly Stein, Chair**

*(This information furnished by Beverly Stein, Because We Care About Oregon PAC.)*

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# Measure No. 5 Arguments

## ARGUMENT IN FAVOR

### Measure 5 endangers Oregonians

No one wants to see guns in the hands of criminals. However, imposing restrictions and bureaucratic duties on law-abiding citizens in their homes is not the answer.

**Measure 5, places heavier restrictions on private citizens than gun dealers.**

Private dealers sell guns to customers when the state doesn't respond to background requests within two days, under Measure 5 private citizens are prohibited from selling a firearm until the state grants permission.

With the bizarre consequence of making gun dealerships more profitable, the primary effect of this measure is raising the cost of defending yourself.

Many people wait until they sense a threat to themselves or their family before purchasing a firearm. Measure 5 delays urgent purchases by flooding the background check system, requiring checks on hunting weapons seldom used by criminals.

**If Measure 5 passes, stalkers, muggers, burglars and rapists may all breathe a little easier, fewer people will be able to protect themselves.**

**If Measure 5 passes, someone with a modest firearm collection cannot give an old hunting rifle to a son or daughter without performing background checks.**

**If Measure 5 passes, any gun hobbyist must become a mini-records bureau, keeping documents for years after transferring just one firearm.**

Why would anyone put such a flawed measure on the ballot?

This is not poor drafting, the proponents know what they're doing.

By encompassing almost every firearm transfer, this measure amounts to a registration scheme for firearm transfers. Registration was a precursor to confiscation in every country where people lost the right to defend themselves. Oregon must not begin down that path.

**Defend your right to defend yourself!**

**Vote NO on 5.**

Furnished by the Libertarian Party of Oregon

The Libertarian Party is Oregon's third largest political party. Libertarians are fiscally conservative, socially tolerant, believing that government should be limited to protecting freedom while ensuring personal responsibility.

For more information call 1 (800) 829-1992 or visit our web site at [www.lporegon.org](http://www.lporegon.org)

*(This information furnished by Eric Winters, Libertarian Party of Oregon.)*

*(This space purchased for \$500 in accordance with ORS 251.255.)*

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## ARGUMENT IN FAVOR

### YES on Measure 5.

**Measure 5 has one purpose: to require criminal background checks at gun shows.**

- **Measure 5 restores fairness.**

Licensed dealers already are required to do criminal background checks before selling a firearm. Measure 5 extends that requirement to private sellers at gun shows. That's not only fair, it's common sense.

Why have background checks for some sales and not others at gun shows? It's a dangerous loophole that needs to be closed. Measure 5 closes it.

- **Measure 5 helps law enforcement.**

As it is now, criminals can buy guns at gun shows in Oregon with no background checks. There are approximately 160 gun shows a year in Oregon, giving criminals lots of opportunities to get their hands on firearms, no questions asked. When these guns are used in crimes, law enforcement can't trace them. Measure 5 will help law enforcement trace guns used in crime.

- **Measure 5 background checks are immediate.**

Measure 5 does not create a waiting period. Background checks on gun show sales will be done instantly -- just as they are on gun store sales.

- **Measure 5 makes no change in existing recordkeeping requirements.**

Records on gun sales are kept for this reason: to help law enforcement officials trace guns used in crime. Measure 5 simply extends existing recordkeeping requirements to more gun sales. The requirements themselves do not change.

- **Measure 5 protects Oregon gun owners.**

Measure 5 provides civil immunity from lawsuits for gun owners who sell guns at gun shows and do background checks. Another protection for gun owners: Measure 5 will help trace stolen guns.

- **Measure 5 is not a Constitutional amendment.**

Measure 5 is a simple, common sense law that will help reduce gun violence in our state. It is no threat to the rights of law-abiding Oregonians.

### Vote YES on Measure 5.

State Senator Ginny Burdick

Sheriff Robert O. Kennedy

Sheriff Dan Noelle

*(This information furnished by State Senator Ginny Burdick, Sheriff Robert O. Kennedy, Sheriff Dan Noelle.)*

*(This space purchased for \$500 in accordance with ORS 251.255.)*

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# Measure No. 5 Arguments

## ARGUMENT IN FAVOR

### LAW ENFORCEMENT SUPPORTS MEASURE 5: VOTE YES

Law enforcement officers throughout Oregon support Measure 5 because it will help reduce gun-related crime. **Measure 5 requires criminal background checks at gun shows.**

Under current law, licensed gun dealers must conduct criminal background checks before selling a gun. But unlicensed sellers at gun shows are allowed to sell guns to anyone without a background check-- no questions asked. This is a dangerous loophole in the law, allowing criminals, juveniles and the mentally disturbed to obtain guns easily. The result too often is gun violence in our communities.

Oregon police, sheriffs and state troopers see the tragic effects of gun violence every day. Many of these tragedies could be prevented if we did a better job of keeping guns out of the hands of criminals, children and the mentally disturbed.

- **Measure 5 would close the dangerous gun show loophole by requiring that all gun sellers at gun shows conduct a criminal background check before selling a firearm.**
- **Measure 5 does not threaten the rights of law-abiding gun owners.**
- **Measure 5 is not a constitutional amendment.**
- **Measure 5 is a simple, common sense law that will help keep guns away from criminals, children and the mentally disturbed without threatening the rights of law-abiding gun owners.**

**Please join Oregon sheriffs and police officers in voting YES on Measure 5**

Oregon Police Chiefs for Safer Communities

Sheriffs of Oregon

Oregon Council of Police Associations

Oregon State Police Officers Association

*(This information furnished by Steve Winegar, Oregon Police Chiefs for Safer Communities; Brian DeLashmutt, Oregon Council of Police Associations.)*

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## ARGUMENT IN FAVOR

### I BELONG TO THE NRA, I OWN GUNS -- AND I SUPPORT MEASURE 5.

**As an NRA member, gun owner and hunter, I support Measure 5.**

Growing up in Eastern Oregon, I learned that owning a gun is a right as well as a privilege. As a small boy, playing with cap pistols and toy rifles was a way of life. Getting older and moving to my first B.B. gun was the beginning of my transition from boyhood to a responsible gun owner.

**There is no debate about who should own guns. No one who poses a risk to society should possess a firearm of any kind!**

Measure 5 would help keep guns out of the hands of criminals, juveniles and mentally disturbed people. **Measure 5 is a reasonable measure that will not interfere in any way with my rights as a law-abiding gun owner.**

I believe strongly that the best way to protect our Second Amendment rights is to make sure that they are not abused. The NRA does a fine job educating and training gun owners. I think the NRA should take a close look at Measure 5 and support it for the sake of all responsible gun owners.

Measure 5 is a reasonable, moderate response that will help keep guns out of the wrong hands without interfering with the rights of any responsible, law-abiding gun owner.

**I urge all responsible Oregon gun owners to vote YES on Measure 5.**

John Brogoitti  
Pendleton

*(This information furnished by John Brogoitti.)*

*(This space purchased for \$500 in accordance with ORS 251.255.)*

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# Measure No. 5 Arguments

## ARGUMENT IN FAVOR

### Oregon Medical Association Urges a "Yes" Vote on Measure 5

#### We have a serious gun safety problem in Oregon.

Too many guns sold at gun shows are getting into the hands of criminals, children and the mentally disturbed. Today, if you or I purchase a gun from a gun dealer, we go through a criminal records check. But anyone can purchase a firearm from an unlicensed seller at a gun show with no questions asked. And criminals are doing just that.

#### Guns can be purchased at gun shows illegally, because no questions are asked.

There are over 160 gun shows in Oregon every year. Law enforcement officials often find guns from gun shows used in crimes, and gun shows are an easy source of firearms for minors caught up in gang activity.

#### It's time to close a dangerous loophole in our gun laws.

Measure 5 closes the loophole that allows children, criminals and the mentally disturbed to purchase firearms at gun shows.

#### This is a small, but common sense step to keep guns out of the hands of criminals and children.

As physicians, we see the harm that is done when guns get into the wrong hands. We all need to work together for violence prevention, and one step is to shut down a major source of illegal firearms in Oregon.

#### Join Oregon Doctors in Voting

#### "YES" on Measure 5

Linda Erwin, MD Portland	Richard Kincade, MD Springfield
Bryron Sagunsky, MD Medford	John Tongue, MD Tualatin
Thomas Wilson, MD, Salem	Andy Harris, MD Salem
John Hoggard, MD Portland	Keith White, MD Monmouth
Hans West, MD Salem	Donald Trunkey, MD Portland
Loring Winthrop, MD Salem	Thomas Wilson, MD Salem
Stanley Nudelman, MD Corvallis	Martin Jones, MD Eugene
John Walker, MD Medford	

*(This information furnished by Robert L. Dervedde, CAE, Oregon Medical Association.)*

*(This space purchased for \$500 in accordance with ORS 251.255.)*

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## ARGUMENT IN FAVOR

### Paramedics and emergency personnel say

#### "YES" to Measure 5.

- Paramedics see the tragedies of gun violence firsthand.
- In this country, 12 children are killed every day by guns in crimes, accidents, gang violence and domestic disputes. Paramedics are often the first on the scene.
- Measure 5 will require background checks for all guns sold at gun shows -- the same background check that is required for guns sold at department stores or gun shops.
- Measure 5 will close a loophole in our law and help keep guns out of the hands of children, felons and the mentally disturbed.
- We may not be able to prevent all gun tragedies, but we can make it harder to sell guns to persons who cannot legally own them.

**Shawn Baird, EMT-P**  
Paramedic  
Woodburn

**Justin Hardwick, EMT-P**  
Paramedic  
Portland

**Lara Washington, EMT-P**  
Paramedic  
Keizer

#### Help keep guns out of the hands of children, convicted felons and the mentally disturbed.

#### Vote "YES" on Measure 5.

*(This information furnished by Shawn Baird.)*

*(This space purchased for \$500 in accordance with ORS 251.255.)*

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# Measure No. 5 Arguments

## ARGUMENT IN FAVOR

### The Oregon Coalition for Safe Streets, Schools and Homes urges a yes vote on Measure 5.

Oregonians have witnessed the tragedy of gun violence first hand. Now we have a chance to close the gun show loophole to prevent guns from falling into the hands of criminals and children.

Currently, identification and background checks are required only when guns are purchased from licensed dealers. But at hundreds of weekly gun shows held around the state each year, firearms are sold without any age or background check on the purchaser. This measure closes that loophole. It does not in any way restrict the ability of law abiding gun owners to purchase or own firearms.

We are all too aware of the recent gun violence in our schools here in Oregon, in Colorado and across the country. **According to the National Center for Injury Prevention and Control, 4,643 kids were killed by firearms in 1996. That is 13 young people per day.**

Last legislative session Oregonians Against Gun Violence (OAGV) and a coalition comprised of dozens of organizations throughout the state organized to support efforts to close the gun show loophole. Tragically, the gun lobby was able to kill that bill by one vote.

Thousands of Oregonians have already achieved a great victory by placing Measure 5 on the November ballot. Now we have a chance to take direct action to close the gun show loophole once and for all.

Join with us and thousands of Oregonians to safeguard our children and communities from gun violence.

Please vote YES on Measure 5.

Oregonians Against Gun Violence  
Oregon PTA  
City of Portland  
Community Action Forum, Eugene  
Ecumenical Ministries of Oregon  
Rabbi Emmanuel Rose  
Oregon Public Health Association  
Oregon Pediatric Nurse Practitioners Association  
Vera Katz, Portland Mayor  
Jim Francesconi, Portland City Commissioner  
David Kelly, Eugene City Counselor  
Serena Cruz, Multnomah County Commissioner  
Mark Abrams, Vice Chair, Portland School Bd. (ID only)

*(This information furnished by Ginny Burdick, Oregonians Against Gun Violence.)*

*(This space purchased for \$500 in accordance with ORS 251.255.)*

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## ARGUMENT IN FAVOR

### Nurses Support Common Sense Product Safety Laws.

As nurses we feel an obligation to speak-up when there is a common sense product safety issue before the public. We have advocated for the use of seatbelts and motorcycle helmets. We have promoted safe toys for children and for safety caps on pharmaceuticals. We have supported reducing the amount of toxins in our air and water.

Measure 5 is just Common Sense.

### Nurses Do Not Support Banning Products.

As nurses we have never advocated banning pesticides because they contain toxins or cars because they are involved in auto accidents. We don't support taking toys from kids or making cigarettes illegal.

We do not support restricting the rights of law abiding gun owners.

Measure 5 isn't Gun Control.

### Firearms Improperly Sold Risk Public Safety

Selling guns to convicted felons is a risk to public safety. It is just that simple.

Measure 5 simply requires the same criminal background check at gun shows that current law requires at gun shops. This is a public safety precaution that may save lives. To a law abiding gun owner it amounts to waiting 10 minutes at a gun show before owning a new firearm. To society it amounts a few less firearms in the hands of criminals.

**Vote "YES" on Measure 5  
GUN SAFETY**

### Firearms Improperly Stored Cause Injury

Our "Campaign for Children's Health" is promoting the use of lock-boxes and trigger locks. These are products that reduce the risk of accidental injury by firearms.

**30% of families with children keep a loaded gun in the home.**

Please, if you own a gun please store it safely with a trigger-lock or in a lock box.

And parents: it is appropriate to ask if guns are safely stored at a home before your child visits.

*(This information furnished by Martin Taylor, Nurses United.)*

*(This space purchased for \$500 in accordance with ORS 251.255.)*

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# Measure No. 5 Arguments

## ARGUMENT IN FAVOR

### Statement in Support of Measure 5 by the Oregon Catholic Conference

- Present laws require background checks by gun dealers, but convicted felons and people with negative mental history can still purchase guns at gun shows.
- Measure 5 is important for the common good in helping to restrict access to firearms for the protection of innocent persons.
- Measure 5 is reasonable and prudent gun safety legislation which is consistent with present legislation.

The Oregon Catholic Conference recommends you vote **Yes on Measure 5.**

Most Rev. John G. Vlazny  
Archbishop of Portland  
President, Oregon Catholic Conference

Most Rev. Robert F. Vasa  
Bishop of Baker  
Vice President, Oregon Catholic Conference

*(This information furnished by Robert J. Castagna, Oregon Catholic Conference.)*

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## ARGUMENT IN FAVOR

### OREGON DISTRICT ATTORNEYS URGE A YES VOTE ON MEASURE 5.

We urge Oregonians to vote Yes on Measure 5.

It makes it much harder for criminals, juveniles and mentally disturbed people to get guns.

For years we have seen that many guns used in drive-by shootings, gang killings and other related criminal activity came from unlicensed sellers to gun shows.

When licensed dealers sell guns at gun shows, they are required to conduct background checks on anyone buying a gun. These requirements will not change under Measure 5.

Measure 5 will affect only those unlicensed gun sellers who don't do background checks and who usually don't cooperate in criminal investigations. These are they people the criminals go to if they need a gun. These are the people who will be required to do background checks -- just like the dealers do now -- if Measure 5 is passed into law.

How are unlicensed people able to sell guns at gun shows without doing a background check? **Because currently there is a dangerous loophole in the law.** Measure 5 closes that loophole. It requires anyone selling a gun at a gun show to conduct a criminal background check.

Measure 5 is a sensible approach to reduce gun-related crime. It will make our communities and neighborhoods safer to live in by keeping more guns out of the wrong hands.

**Please join us and vote Yes on Measure 5 --  
for safer communities.**

**Dale Penn  
Marion County District Attorney  
Michael D. Schrunk  
Multnomah County District Attorney**

*(This information furnished by Michael D. Schrunk.)*

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# Measure No. 5 Arguments

## ARGUMENT IN FAVOR

**Support Livable Communities: Vote YES on Measure 5**

**Measure 5 would close the gun show loophole that allows criminals, juveniles and the mentally ill to buy guns without going through a criminal background check.**

As a member of Congress, I am working hard to reduce the epidemic of gun violence that threatens the livability of our communities. Unfortunately, Congress has failed to adopt reasonable legislation to keep guns away from criminals, children and the mentally ill. **Now you have a chance to help me break the logjam in Washington, D.C.**

We know that gun shows are a major source of illegal firearms for convicted felons, gang members and others who are not legally entitled to buy guns. That is because unlicensed sellers are not required to conduct criminal background checks before selling a gun. Licensed dealers perform background checks routinely -- at their gun shops and at gun shows.

**Isn't it only fair to require unlicensed gun sellers to conduct criminal background checks at gun shows, the same as licensed dealers now are required to do? Measure 5 would require all sellers at gun shows to conduct criminal background checks.**

Sadly, too many people in Congress and the state legislature have been intimidated by the extremist gun lobby. Measure 5 gives Oregonians a chance to stand up to the special interests and support common sense steps to keep guns out of the wrong hands and make our communities safer.

As an Oregon voter, you have a chance to make your voice heard around the nation. Your vote for this sensible measure will make my job easier in Congress. **Please vote YES on Measure 5.**

Sincerely,

Earl Blumenauer  
Member of Congress

*(This information furnished by Earl Blumenauer, Blumenauer for Congress.)*

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## ARGUMENT IN FAVOR

**RESPONSIBLE GUN OWNERS SUPPORT MEASURE 5**

**As a gun owner and hunter, I support Measure 5.**

**I believe gun ownership is a right -- but not for criminals.**

There should be no serious debate about whether convicted felons or others who pose a risk to society should possess guns. We have problems enough without helping to arm felons and the mentally disturbed. **Unfortunately, gun shows have become firearm garage sales for criminals, juveniles and the mentally disturbed.** Ballot Measure 5 closes that loophole without doing any harm to the rights of law-abiding Oregonians to own, buy or sell guns.

As a kid I grew up around guns. I was taught that a gun is always loaded. I had my first shotgun and began hunting rabbits and squirrels at age 11. Hunting and gun ownership is a heritage and a lifelong pleasure that my sons share. As citizens we have the right to protect our family, our property and ourselves. Gun ownership is critical to that right. For that reason I belong to the N.R.A. I also enjoy going to gun shows. I go often and usually buy something.

For too long, the debate over guns has been dominated by extremists on both sides. It is time for responsible gun owners to be heard. As one of those gun owners, **I believe that the best way to protect the right of gun ownership is to see that it is not abused.** Abuse will provide the fuel for more regulation and, ultimately, the loss of our right.

**Ballot Measure 5 is a reasonable, moderate response to a specific problem. It will help reduce gun - related crimes by keeping guns out of the wrong hands. It is also a way to preserve our heritage of gun ownership.**

**I urge Oregon gun owners to vote yes on Measure 5.**

Garry R. Bullard

*(This information furnished by Garry Bullard.)*

*(This space purchased for \$500 in accordance with ORS 251.255.)*

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# Measure No. 5 Arguments

## ARGUMENT IN FAVOR

**Oregon Sheriffs Support Measure 5.**

**Vote YES to Fight Crime.**

Measure 5 will require criminal background checks at gun shows.

Measure 5 will make it much harder for convicted criminals, juveniles and people who are mentally disturbed to buy guns in Oregon.

As law enforcement officials, we know that gun shows have become a major source of firearms for criminals and gang members in Oregon. Sometimes, the victims of gun violence are the same law enforcement officers we depend on to protect our children and families.

- A loophole in our current law allows criminals and juveniles to buy guns at gun shows and skip a background check. With as many as 160 gun shows a year in our state, we have a serious safety crisis on our hands.
- Measure 5 will close the gun show loophole and help us protect our neighborhoods and communities from gun violence.
- Measure 5 is not a Constitutional amendment. It does not threaten the rights of responsible gun owners.
- Measure 5 is a simple, common sense law that will help reduce gun violence in Oregon without threatening the rights of law-abiding gun owners.

**Please join us in voting YES on Measure 5.  
For a safer Oregon.**

**Sheriff Robert Kennedy  
Jackson County**

**Sheriff Dan Noelle  
Multnomah County**

**Sheriff John A. Trumbo  
Umatilla County**

**Sheriff Stan Robson  
Benton County**

**Sheriff Jim Spinden  
Washington County**

**Sheriff Ris Bradshaw  
Clackamas County**

**Sheriff Raul Ramirez  
Marion County**

**Sheriff John O'Brien  
Lincoln County**

*(This information furnished by Stan Robson, Sheriffs of Oregon.)*

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## ARGUMENT IN OPPOSITION

**Measure 5, Government Registration Of Gun Owners**

If measure 5 passes, private exchanges of firearms will require background checks using the "National Instant Check System." This system has been down for days at a time. Read what the State Police have to say about how that affects their system, the Handgun Instant Check System:

"Without the required national background check information, HICS cannot authorize the firearm sale."

Oregon State Police Press Release May 12 2000

The databases created by this measure serve no purpose other than to identify gun owners. In New York and California, databases of this type are being used to confiscate privately owned firearms.

The same people who have called for this attack on your privacy have shown no inclination to prosecute criminals who try to buy guns.

"Arrests rare in gun checks..."

"The whole purpose of this system is not to arrest people" said Tom Dixson who supervises the Oregon State Police instant check system...

"Even when local authorities are notified that a felon is attempting to buy a gun, it's usually not a high priority for them to react right away."

*Statesman Journal 5/30/99*

"Few felons arrested under gun check law."

*Eugene Register Guard 5/31/99*

"I don't see anything in this act that is going to prevent gun violence."

Lane County Sheriff Jan Clements  
*Eugene Register Guard August 4th 2000*

"Our analyses provide no evidence that implementation of the Brady Act was associated with a reduction in homicide rates."

*Journal of American Medicine  
Vol. 284 No 5 August 2000*

Measure 5 is not about stopping crimes. It's not about stopping violence. It's about stopping you. It's about preventing you from protecting your family. It's about a vast registration scheme. It's about government record keeping of you and your family. Despite no mention in the explanatory statement, this measure mandates the police to keep records of gun owners.  
Think About It.

*(This information furnished by Kevin Starrett, Oregon Firearms Federation Political Action Committee.)*

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# Measure No. 5 Arguments

## ARGUMENT IN OPPOSITION

### A Police Chief Says No on 5

As a career police officer and current chief of police of North Plains, Oregon, I urge a "no" vote on Measure 5.

The first sworn duty of police officers is to uphold the U.S. and state constitutions. I have studied those documents, but the sad fact is that many police officers and other public officials have never done so. It troubles me that some of my brothers in law enforcement would support an attack on your rights.

Measure 5 will do **nothing** to reduce crime or violence. What it will do is create one more hurdle for law abiding Oregonians to exercise a right that I have a sworn duty to protect.

I did not accept my position to erode the rights of the people I serve. If this measure passes, massive databases of private information will be kept by the state, **the same type of databases that have been used to confiscate privately owned firearms from citizens of New York and California.**

The "National Instant Check System," used for these background checks, has been "down" for days at a time. Under this measure countless new transfers will be regulated by that failed system. When the system is turned off, those transfers **will not** be approved.

It would be a shame to waste limited resources tracking the legitimate activity of the law abiding when we should be using those resources to combat crime.

Protect your freedom, protect your privacy. Vote no on Measure 5.

Chief Gary McKenzie  
North Plains

*(This information furnished by Gary McKenzie.)*

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## ARGUMENT IN OPPOSITION

### PHYSICIAN OPPOSED TO GUN REGISTRATION

Oregonians are being asked to pass this measure which purports to reduce gun violence. Nothing could be farther from the truth. This measure would only punish law-abiding people and impair their safety because criminals wouldn't follow this law any more than they do existing gun laws.

Physicians with a political agenda or those who are misinformed or choose to ignore the truth, often support such laws as this because of "safety concerns."

As a physician who has worked in major trauma centers for over 20 years in three states, I can tell you, laws like this do nothing to enhance public safety. The data show that armed citizens prevent many more crimes, injuries, deaths and violence each year than those caused by criminals with illicit firearms. A recent study released by the *Journal of the American Medical Association* (284:585, 2000) proves that registering gun purchases (which the unconstitutional Brady bill does) did **not** reduce overall gun homicide or suicide rates, **nor will this measure.** I and many of my physician colleagues concur with this (<http://www.KeepAndBearArms.com/dsgl/about.asp>).

This measure is nothing more than a Brady bill extension, i.e. a gun registration law. As such, it will do nothing for public safety and also represents a terrible invasion of the privacy of good Oregonians. History has proven that gun registration eventually leads to gun confiscation and ultimately genocide. Don't leave your family and fellow Oregonians this legacy.

As a physician, I always guarded my patients' privacy and safety. For that reason I urge Oregonians to reject this measure. Do not allow your safety and privacy to be violated like this. Measure 5 is neither necessary nor in the best interests of Oregon or its people.

Larry Priano M.D.

*(This information furnished by Larry Priano, M.D.)*

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# Measure No. 5 Arguments

## ARGUMENT IN OPPOSITION

When attempting to sell the public a "bill of goods", what is not said is frequently more significant than what is. Ballot measure 5 is a perfect example.

### What proponents of measure 5 are not saying:

The vast majority of firearms sold at gun shows are done by licensed dealers not private individuals, and per existing law, all dealer transactions require background checks.

Information measure 5 would collect, in addition to the identity of the buyer, is: (a) the name, address and phone number of the seller; and (b) the make, model, caliber and identification number of the firearm being transferred. None of this data is necessary to conduct a background check of the buyer, and all data collected would be retained by the Oregon State Police for up to five years. Over 90% of these records would be on individuals who passed the background check. The result would be a government data base on law-abiding citizens and their private property, and a covert form of firearm registration.

Measure 5 has been presented to the Oregon Legislature as three different bills in the last two sessions and always been defeated. The major objection to these bills has been the registration element. Proponents of these bills have always refused to drop that element, even though the removal would almost certainly have ensured passage. This strongly suggest that firearm registration is their goal, not background checks.

Most gun owners are responsible people and do not want to sell a firearm to a criminal. They would welcome a number they could call, give the name of a potential buyer and instantly verify his/her integrity, provided it ended there.

Measure 5 is not about background checks or public safety, it's about government control. Vote your conscience, but know the facts.

Richard Graff  
President-OSSA

*(This information furnished by Richard Graff, President, Oregon State Shooting Assoc.)*

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## ARGUMENT IN OPPOSITION

### ARGUMENTS AGAINST MEASURE 5

This proposition presents several troubling, unacceptable provisions. The bill's author and co-sponsors clearly wish to shut down gun shows as we know them in order to "close legal loopholes." They claim this is needed despite the fact that most collector organizations include and welcome sheriff and police personnel in their membership.

It is obvious that this whole proposal is nothing more than a thinly disguised attempt to establish gun registration in our state. Registration has been a necessary prerequisite for later ultimate confiscation and there is abundant proof in other states and other countries of this final consequence.

The definition of a "Gun Show" in this proposal is poorly written, deliberately loose and vague. As written, it could prohibit trade or purchase among citizen collectors in a private home unless registration of the sale or transfer occurs.

Currently, Federal law that applies to dealer transfer of firearms, (NICS) or National Instant Check Service, involves retention of records for 90 days. Yet Measure 5 requires that State Police retain records of a firearm transfer for a minimum of five years. The State Police have requested this. Why the insistence on five-year (or more) retention of records unless de-facto firearms registration is contemplated for the near future?

In addition, although the State benevolently would absolve a citizen from possible charges arising from a firearm transfer if it is registered with State Police, they require that the citizen transferor keep a record of the transaction for at least five years!

**DON'T COMPROMISE YOUR RIGHTS AS A GUN OWNER.**

**VOTE NO ON MEASURE 5.**

*(This information furnished by Dr. Fred J. Schuster.)*

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# Measure No. 5 Arguments

## ARGUMENT IN OPPOSITION

Measure 5 requires private sellers of firearms at gun shows to obtain from the Oregon State Police instant background checks of purchasers. We do not object to instant background checks of firearms purchasers, but this measure goes far beyond that.

The bill would require private sellers to charge a fee for background checks. The fee would be set by the State Police. Federally licensed dealers get instant background checks from the FBI with no fee charged and the FBI is only allowed to retain the purchase records for a short time.

This bill allows our State Police to retain complete records of the make, model and serial number of the firearms and the names and addresses of the sellers and purchasers for five years. We object to the five-year retention of these records. It is a form of registration of all firearm purchases since it includes rifles and shotguns as well as handguns. Why give the State Police more authority than the FBI? Why do they want to retain records on law-abiding gun owners when the criminal has already been eliminated from these purchases by the instant background checks?

If preventing criminals from obtaining firearms is the goal, the instant check does this. Why then is this bill requiring the registration of the firearm purchased by the legal, law-abiding citizen of this state? In country after country throughout history, registration of firearms and their owners has been followed by firearms confiscation. This has most recently occurred in England, Australia, and South Africa. Canada is well along in this process. It has already happened in the United States in New York City and the state of California with so-called assault rifles.

Someday U.S. politicians may want to confiscate all guns from the U.S. citizens. The records mandated by this bill would make it easy to do so.

We urge you to note NO on measure 5

Vern Schmidt, President  
Willamette Valley Arms Collectors Assoc.

*(This information furnished by Vern Schmidt, Pres., Willamette Valley Arms Collectors Assoc.)*

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## ARGUMENT IN OPPOSITION

### THE GUN PROHIBITIONIST'S RECIPE FOR FIREARMS CONFISCATION

First, information on both gun and gun buyer in gun shop sales is entered into the state data base; then for guns bought in gun shows (**Measure 5**); then for all private transactions including even guns inherited from parents. Wait some years for all legally owned guns to be captured in the data base (but never mind about criminals' guns). Confiscation is next.

. . .

**Is the above a logical fallacy known as "slippery slope"?** By the definition of that fallacy, it is indeed. It fits the definition if each step cannot be proven with 100% certainty, and that's the case here. For example, while it's highly probable that gun prohibitionists will soon come back with another initiative to capture all legal private transactions in the state data base, we don't know that with certainty.

Perhaps if we say each of the above steps is likely to occur—rather than that it must occur—that would take it out of the category of a logical fallacy. All of them do seem very likely, given enough time.

**There is one thing we do know for sure: no government can confiscate its citizen's firearms, if it doesn't know where those firearms are.**

**Passing Measure 5 would get them a step closer to having the one, crucial tool they need to make confiscation work. It then remains only to wait until a government is elected, with the will to use that tool.**

Gun prohibitionists are pushing this back-door registration because they know laws passed in other states specifically to register guns have had extremely low compliance rates. They also know gun confiscation laws, such as New Jersey's, did not work without registration. If you want guns confiscated, then this measure is for you. **But if you value your right to defend your family and want to preserve that right for your children, VOTE NO!**

*(This information furnished by Paul J. Bonneau.)*

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# Measure No. 5 Arguments

## ARGUMENT IN OPPOSITION

SO WHAT IF MEASURE 5 BOILS DOWN TO FIREARMS REGISTRATION? WHAT'S WRONG WITH THAT?

**Here is what's wrong: lawmaking ought to be founded on principle.** The principles are found in the state and federal constitutions. Examples: citizens may say what they think; they may defend themselves and their families; and there is a limit to police power.

To illustrate: some may argue that the passage of Measure 5 will make it easier for police to solve crimes. In other words, it will be more convenient for police. But, in good law-and-order fashion, it would also be convenient for police to be able to beat confessions out of suspects. Yet we don't permit that. We don't pass laws based merely on how much more convenient it will make the job of police work. We adhere to the principle that there is a limit to the police power.

The principle that people have the right to defend their families is deeply embedded in this nation's culture. Even those who don't exercise this right recognize they are benefited by those who do, as criminals cannot distinguish between them. This right is exercised frequently. Citizens use guns over two million times a year in defense, most times simply by showing they have one. They kill more than twice as many criminals in justifiable homicides, as police do.

**Measure 5 violates the principle that citizens have the right to self-defense.** Here's why:

**It is foolish to hand government the one tool it needs to confiscate guns and destroy that right, in the simple-minded faith no future government will ever use this tool.** There is extensive history around the world, and recently in this country (New York, California), of governments doing just that.

**Legislators may find it hard to stick to principle when making laws, but that's no excuse for the rest of us to abandon it. Make the principled vote: NO.**

*(This information furnished by Paul J. Bonneau.)*

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## ARGUMENT IN OPPOSITION

"The whole aim of practical politics is to keep the populace alarmed -- and thus clamorous to be led to safety -- by menacing it with an endless series of hobgoblins, all of them imaginary."  
-- H. L. Mencken

### MEASURE 5 IS NOT ABOUT FIGHTING CRIME

When the most dedicated gun prohibitionist in the legislature creates a ballot measure billed as a background check, it's a safe assumption that something else is going on. Consider:

1) Supporters claim Measure 5 will deny criminals access to guns. This is untrue. No law has ever denied such access, for a good reason: criminals find guns very useful for what they do, and will go to great lengths to get them. Not that they have to go to great lengths—the black market supplies them! Smuggling guns is easy and lucrative. That's why criminals in England are well armed, despite the total gun ban there.

2) Instead of sending information on every law-abiding buyer to be recorded in the state database, Measure 5 could have called for sending information on prohibited buyers to gun sellers; thus eliminating the danger of confiscation. Why was the latter method not used?

3) Measure 5 calls for information on the gun itself to be recorded. If a background check on the buyer were the only concern, the particular gun would be irrelevant. Why record gun information, unless it's needed for confiscation later on?

Crime rates have been falling for years, but there is a guaranteed method to reduce them even further without threatening citizens' constitutional rights: end drug prohibition. Our ancestors experienced a huge drop in crime following the end of alcohol prohibition; we would find the same effect.

**Measure 5 is not about fighting crime. It cannot deliver on that promise. It can help deliver something much worse, though: the end of your right to defend your family. Don't be deceived by this "Trojan Horse". VOTE NO.**

*(This information furnished by Paul J. Bonneau.)*

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# Measure No. 5 Arguments

## ARGUMENT IN OPPOSITION

While Measure 5 masquerades as a “reasonable, common sense” measure, in truth it is neither. Measure 5 is a major referendum on “gun control” in Oregon.

Compare Measure 5 to the work of Mothers Against Drunk Driving. No one would have taken MADD seriously had they promoted a program which targeted law-abiding drivers rather than dangerous drunk drivers, yet the Measure 5 ringleaders expect us to believe that an improperly targeted law will somehow stop criminals!

Measure 5 was written back east by Handgun Control Inc. The avowed goal of this organization is to eliminate the private ownership of guns in America. An identical measure is also moving in Colorado.

Their idea is to get a figurative foot in the door in two western states, where people traditionally have some rational ideas about guns in society, and then slowly, incrementally, pursue their real agenda--the complete elimination of guns from the hands of all private citizens. Of course, this program only affects the citizens who obey the law! Criminals will not be affected since they don't obey the law.

And this is not mere rhetoric! It is 25 years of experience which the “gun control” extremists refuse to acknowledge! Washington DC has come very close to eliminating all privately owned handguns, yet criminal violence, by means of guns, continues unabated. A 15-year-old recently opened fire on some kids he didn't like at the National Zoo and residents--and police--complain of nightly gun fire. What's it going to take to prove to citizens that “gun control” does not work? Do we want to make Oregon as safe as DC?

We are told, by the supporters of Measure 5, that gun shows are a “major source of illegal firearms.” So...why not go arrest the criminals? Why push for more “gun control?”

Is this common sense? Is this reasonable? You decide!

Vote “NO!” on Measure 5, send Handgun Control Inc back to California!

*(This information furnished by Terry Carroll, Oregon State Coordinator, Second Amendment Sisters, Inc.)*

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## ARGUMENT IN OPPOSITION

Charlton Heston, National Rifle Association of America,  
Fairfax, Virginia

**This November, as Oregon voters mark their ballots, the rights of honest citizens will be under attack, while dangerous criminals stand to be let off the hook for their vicious acts of violence.**

Oregon voters will consider Measure 5, a gun-control initiative that greatly expands government regulation and control over the transfer of firearms between law-abiding individuals. At the same time, Oregon voters will decide on Measure 94, which repeals current minimum sentencing requirements for convicted felons and eliminates the existing ban on early-release from prison for these violent offenders.

Law-abiding citizens are sick and tired of being blamed for acts of criminal violence while the perpetrators get off scot-free. **Prosecutions for violations of federal firearms laws have declined by 12% since 1992. It's simply wrong to ask honest Oregonians to support more controls on the law-abiding when current laws are not being enforced against the law-breakers.**

NRA strongly supports proven, effective crime-fighting measures such as “Project Exile.” This program relies on tough, existing federal and state gun laws already on the books which target armed, violent felons and drug traffickers for swift prosecution and certain punishment. **“Project Exile” is credited in part for bringing a 46 percent drop in homicides and 65 percent drop in crimes involving guns in Richmond, Virginia, since inception of the program in 1997.**

No new laws were necessary to bring about this decline. No new restrictions on law-abiding citizens. **Our rights are not what's wrong. Let's enforce existing laws first. Vote NO on Measure 5.**

*(This information furnished by Charlton Heston, President, National Rifle Association of America.)*

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# Measure No. 5 Arguments

## ARGUMENT IN OPPOSITION

Sheriff-Elect Jim Main     Douglas County, OR

A Law Enforcement Officer Explains Why He Is Voting Against Measure 5.

Measure 5 expands state record-keeping on law-abiding citizens and the firearms they have a right to own under the Oregon State Constitution and the Second Amendment of the United States Constitution. Measure 5 promotes government intrusion into the private lives of honest citizens who are simply exercising their right to keep and bear arms.

I am also concerned that this measure will have little, if any, impact on violent crime. According to a National Institute of Justice study released in December 1997, very few guns used in crimes come from gun shows. The majority of guns used by criminals come from theft, dope deals, or the black market. These sources will not be affected by Measure 5.

Lastly, Measure 5 does not pay for itself. Departments such as mine will be charged with enforcing this measure should it become law. It will impose more responsibility on local law enforcement and additional costs will be incurred. A panel of state officials charged with assessing the fiscal impact of Measure 5 determined it would impose no costs on local government. Baloney! Enforcing laws DOES COST TAX DOLLARS.

Measure 5 diverts taxpayer dollars and police manpower from serious crime and is unlikely to impact violent crime. Let's spend our tax dollars where they do the most good, like putting child molesters away for a longer time.

Join Me and Vote NO on Measure 5.

*(This information furnished by James Main.)*

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## ARGUMENT IN OPPOSITION

Oregon Sportsmen Oppose Measure 5  
Rod Harder, Executive Director  
Oregon Sportsmens Defense Fund Inc.

Measure 5 mandates a check of government records and certain medical records before any firearm sale between any two individuals attending a gun show may take place—including people who sell, collect, trade or exchange even just one firearm at such an event. Gun shows are so broadly defined in this proposal that restrictions could apply even in your own home. They will apply to your local gun club, if more than 25 members with guns are present and their firearms are available for transfer and to your sportsmen's organization fund-raiser, if more than 25 guns are available for auction, raffle or transfer. Estate sales and yard sales could also be affected.

Measure 5 also extends Oregon's "instant check" system to capture all hunting rifle and shotgun sales covered in the measure. This expansion of state regulation will subject a whole new group of firearms transactions to Oregon's "instant check" tax that is currently \$10.00 per transaction. Additionally, the name, date of birth, race, sex and address of each individual involved in these legal gun sales, as well as a description and the serial number of each gun lawfully transferred, will be maintained in the Oregon State Police's centralized firearms registration data base. This personal information on law-abiding citizens and their private, legal property will be kept for up to five years! The measure provides no penalty if the State Police inappropriately use the information.

Measure 5 expands the tax on legal gun purchases, broadens the State Police's gun registration scheme and brings us closer to intrusive government regulation of all private firearms transfers—including those between family members and close friends.

The Oregon Sportsmens Defense Fund Inc. urges you to Vote NO on Measure 5!

*(This information furnished by Rod Harder, Executive Director, Oregon Sportsmen's Defense Fund Inc.)*

*(This space purchased for \$500 in accordance with ORS 251.255.)*

The printing of this argument does not constitute an endorsement by the State of Oregon, nor does the state warrant the accuracy or truth of any statement made in the argument.

# Measure No. 5 Arguments

## ARGUMENT IN OPPOSITION

It was the early 70s. A military coup seized power in my homeland, Greece. Quietly in the night they closed down the newspapers and cut off the telephones. They took over the radio and the television stations.

When the people arose the next morning they were ordered to bring their remaining guns to the nearest police station. By that time the only guns the people were still allowed to own were registered hunting rifles.

Anyone who chose to disobey was secretly arrested the next night. Many were never seen again. Those who survived were beaten horribly and forced into internal exile without their families even knowing whether they were alive, or where they were. When family members searched for their loved ones they were harassed, threatened and also beaten.

Neighbors were afraid to talk to neighbors. People knew that being seen with the family of someone who disappeared was dangerous.

Our Founding Fathers were aware that tyrants and their horrors were not political accidents. Dictators rise up when they realize that they need not fear the people. For this reason the Declaration of Independence states we have not only the right, but the duty, to throw off such evil. And for this reason the Constitution and the Bill of Rights guarantee us the means to defend our freedoms.

Alexander Hamilton, one of the authors of our Constitution, said that great danger came from those who claimed to fight for "the people" while pursuing their hidden agenda. Ask yourselves, what hidden plans are being laid by those trying to force you to register your guns?

I am proud and thankful to be an American. Please join me in shouldering the responsibility of defending America against all enemies, foreign and domestic.

**For our children's future, vote no on Measure 5.**

Ourania Yue, MD

*(This information furnished by Ourania Yue, MD.)*

*(This space purchased for \$500 in accordance with ORS 251.255.)*

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## ARGUMENT IN OPPOSITION

### Vote No on Measure 5

Despite what you've heard, Measure 5 is about gun registration, not background checks. There is no loophole. The law was never intended to invade the privacy of peaceful citizens who are not dealers.

If background checks were important, why keep records of private transactions for five years?

If background checks were important, why is there almost no prosecution, at the Federal or state level, of felons who try to buy guns?

If less than 2% of guns used in crime come from gun shows, what does this measure accomplish other than registering guns of honest citizens and wasting your money?

Your home becomes a "gun show" if you have more than a certain number of guns and you invite a friend over to buy a gun. You wouldn't be able to pass on firearms to your children without government intruding into your family's private matters.

Do you trust government to keep these records private? There's no penalty for revealing your personal information, which would be as secure as FBI files at the White House.

There's no evidence this measure reduces crime. It isn't intended to. It is supposed to fail so they can justify even more laws that invade your privacy and take away your rights.

**The real purpose is to develop a database of you and your guns with the intent of eventually taking them from you. Registration always leads to confiscation.**

You don't believe this? Ask those who live in England, Australia, Cuba, Panama, or China. Confiscation of guns already exists in America. Ask those who live in New York City and California.

**Vote NO** on this thinly-disguised scheme to invade your private affairs and steal your rights.

**Freedom and privacy are not loopholes. Gun control is not about guns, it is about control of your private life.**

Solomon Yue  
National Committeeman

Jeff Grossman  
Washington County Vice Chair

Pat Turnidge  
Finance Committee Co-Chair

*(This information furnished by Solomon Yue, Jr., Jeffrey A. Grossman, Pat Turnidge; Oregon Republican Party.)*

*(This space purchased for \$500 in accordance with ORS 251.255.)*

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# Measure No. 5 Arguments

## ARGUMENT IN OPPOSITION

### Measure 5: Ineffective and Invades Your Privacy

On its face, Measure 5 seems to be straightforward. However, we ask you to look beyond its seeming simplicity and realize that it will be ineffective and an invasion of your privacy.

First, Measure 5 purports to stop gun violence by eliminating the ability of criminals to purchase firearms at gun shows from private parties. The proponents of Measure 5 argue that background checks keep guns out of the hands of criminals. This is simply untrue.

The background checks system has been a failure. It has failed because federal and state governments have refused to prosecute criminals who illegally attempt to purchase firearms. Without prosecution, criminals are free to purchase firearms on the streets. A system that identifies criminals but does not prosecute them for their crimes is a failure. A recent study of the background check system has concluded that it has not been effective at stopping gun violence. Rather, enforcement of existing laws and punishment is more effective.

Second, Measure 5 invades the privacy of Oregonians to an alarming degree. This measure will allow Oregon law enforcement to keep a computerized database of gun owners. What happens when a computer hacker or a ring of thieves who use it to steal firearms from the houses of gun owners obtains the database? Moreover, what happens when this list becomes available to insurance companies who will use this list to discriminate against gun owners for health, auto, life, and other types of insurance?

The growth of technology in our lives with its ability to rob us of our privacy is a hot topic in our country. Each day, our privacy rights are disappearing at the hands of government. Measure 5 opens the privacy-invasion door further.

Considering the above arguments, we urge you to vote NO on Measure 5.

*(This information furnished by John T. Nichols-Executive Director, John D. Hellen-Administrator; Oregon Gun Owners.)*

*(This space purchased for \$500 in accordance with ORS 251.255.)*

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## ARGUMENT IN OPPOSITION

### **Do you like the anti-human rights issues present in this measure?**

It categorizes everyone, you included, as a criminal, without any demonstrable cause.

What this measure will do is tie your hands behind your back, then you have to go beg (and pay) for a background check to get them untied... if you can get a background check. ("National computer problem temporarily suspends Oregon firearms purchases", [osp.state.or.us/news\\_releases/html/may\\_12a\\_\\_2000.html](http://osp.state.or.us/news_releases/html/may_12a__2000.html))

This is not a step toward a police-state policy, but "Let me see your papers."

If you don't have government approved ID under this measure, you don't exist, or at the very least must be a criminal, no sale. This is just another version of "It's for your own good". Another restriction. The boot is placed on your neck for the actions of others.

### **Criminals should be denied access to guns.**

Substitute in the place of "criminals" your race, religion, national origin, socio-economic status, or other description, and see if it sounds as appetizing.

This measure takes away your control over what you can buy. You can't control whether it is shut down for an "audit", or an "equipment update", "lack of funds", "power outage", "emergency"...

So that's what the Department of Racial Determination says you are.

Well, what race are you? What if the seller doesn't think you look like that race, and wants you to put something else down? Do you need a hassle over your ancestral background? Will firearm buyers need DNA testing for race?

Tell me again why minorities, and people who have come to this country to escape oppression, should go through a background check?

If you aren't free to go buy a gun, without a background check, to prevent injustices against you, you aren't free, you are in a very dangerous trap. You are at the mercy of criminals or government neglect.

### **Do you really want a law with roots in discrimination, racism, bigotry, and oppression?**

*(This information furnished by Robert Gordon.)*

*(This space purchased for \$500 in accordance with ORS 251.255.)*

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# Measure No. 6

Proposed by initiative petition to be voted on at the General Election, November 7, 2000.

## BALLOT TITLE

### **6 PROVIDES PUBLIC FUNDING TO CANDIDATES WHO LIMIT SPENDING, PRIVATE CONTRIBUTIONS**

**RESULT OF "YES" VOTE:** "Yes" vote provides limited public funding to candidates accepting limits on spending and private contributions.

**RESULT OF "NO" VOTE:** "No" vote retains system of no public funding, unlimited private contributions to state office candidates.

**SUMMARY:** Provides for limited public funding of qualifying candidates' campaigns for Governor, Secretary of State, Treasurer, Attorney General, state senator, representative. Candidates qualify by: (1) agreeing to accept only certain permitted contributions and make expenditures only from those sources; (2) receiving specified number of \$5 contributions from Oregon residents. Creates fund to finance qualifying candidates' campaigns. After qualifying, candidates may spend revenues only from fund, remaining permissible private contributions. Mandates adequate funding. Partially repeals political tax credit. Increased disclosure requirements. Penalties for violations. Other changes.

**ESTIMATE OF FINANCIAL IMPACT:** State revenues would increase by an estimated \$1,000,000 a year by elimination of the Political Tax Credit for contributions to state partisan candidates. The legislature shall appropriate that amount to the Political Accountability Fund, plus additional moneys to fully fund candidates who qualify under this measure. Once fully funded, the Political Accountability Fund shall not exceed \$24 million in any biennium.

Costs to the Secretary of State to administer the measure would be \$403,000 a year.

There is no financial effect on local government expenditures or revenues.

## TEXT OF MEASURE

**SECTION 1. SHORT TITLE: POLITICAL ACCOUNTABILITY ACT.** An act to reduce the influence of private money in politics by providing limited public funding to candidates who: **A) demonstrate public support by gathering from a large number of individuals \$5 qualifying contributions during the qualifying period, B) agree to campaign spending limits, and C) reject private money contributions after the qualifying period.** Sections 2 to 26 of this 2000 Act shall be known and may be cited as Political Accountability Act.

**SECTION 2. FINDINGS AND DECLARATIONS; STATEMENT OF NEED.** (1) The people of the State of Oregon find and declare that the current system of privately financed campaigns for nomination and election to the offices of Governor, Secretary of State, State Treasurer and Attorney General and the offices of state Senator and state Representative undermines democracy in Oregon in the following principal ways:

(a) It violates the democratic principle of "one person, one vote" and diminishes the meaning of the right to vote by allowing large private contributions to have a deleterious influence on the political process by denying the rights of all citizens to equal and meaningful participation in the democratic process. This effect is demonstrated by the low level of participation of persons making small contributions less than \$50 in Oregon political contests. In

1998, of the record high \$12.5 million contributed to legislative elections, only four percent came from these small contributors.

(b) It diminishes the free-speech rights of nonwealthy voters and candidates whose voices are drowned out by those who can afford to monopolize the arena of paid political communications. In the 1998 Oregon general election, candidates spending the most money won 82 percent of the time. Data on legislative elections illustrate these trends over time. In contested legislative elections, the higher-spending candidate won 85 percent of the time in 1992, 89 percent of the time in 1994 and 83 percent of the time in 1996.

(c) It fuels the public perception of corruption and undermines public confidence in the democratic process and democratic institutions. Declining public confidence is illustrated by record low voter turnout in 1998 Oregon elections. The general election turnout was 59 percent of registered voters, which is only 47 percent of citizens eligible to vote.

(d) It diminishes elected officials' accountability to their constituents by compelling elected officials to be disproportionately accountable to the major contributors who finance their election campaigns.

(e) It creates a danger of actual corruption by encouraging elected officials to take money from private interests that are directly affected by governmental actions.

(f) It drives up the cost of election campaigns, making it difficult for qualified candidates without access to large contributors or personal fortunes to mount competitive campaigns. As an example, cost of legislative elections increased by 52 percent between 1992 and 1998.

(g) It disadvantages challengers because large campaign contributors tend to give their money to incumbents, thus causing elections to be less competitive. None of the 43 statewide and legislative incumbents running in the 1998 general election lost.

(h) It inhibits communication with the electorate by candidates without access to large sums of campaign money.

(i) It burdens public officeholders who are candidates with time-consuming fund raising and thus decreases the time available to talk with voters and carry out public responsibilities.

(j) It undermines the First Amendment to the United States Constitution and state constitutional rights of voters and candidates to be heard in the political process, it undermines the First Amendment and state constitutional rights of voters to hear all candidates' speech, and it undermines the core First Amendment and state constitutional values of open and robust debate in the political process.

(2) The people of the State of Oregon find and declare that providing a voluntary political accountability campaign finance system for certain primary and general elections will enhance democracy in Oregon in the following principal ways:

(a) It will help eliminate the harmful influence of large contributions on the political process, remove access to wealth as a major determinant of a citizen's influence within the political process and restore meaning to the principle of "one person, one vote."

(b) It will help restore the rights of all citizens to equal and meaningful participation in the democratic process.

(c) It will help restore the free-speech rights of nonwealthy candidates and voters by providing candidates with sufficient resources to communicate meaningfully with the voters.

(d) It will diminish the public perception of corruption and strengthen public confidence in the democratic process and democratic institutions.

(e) It will help increase the accountability of elected officials to be constituents who elect them.

(f) It will reduce the danger of actual corruption caused by the private financing of the election campaigns of public officials, thus substantially helping to restore public confidence in the fairness of the electoral and legislative processes.

(g) It will help halt and reverse the escalating cost of individual election campaigns.

(h) It will create a more level playing field for incumbents and challengers, create genuine opportunities for qualified Oregon residents to run for statewide and legislative office and encourage more competitive elections.

# Measure No. 6

(i) It will facilitate communication with the electorate by candidates, regardless of the access candidates have to large sums of campaign money.

(j) It will free public officeholders who are candidates from the incessant rigors of raising money, and allow them more time to carry out official duties.

(k) It will help restore the First Amendment and state constitutional rights of voters and candidates to be heard in the political process, it will help restore the First Amendment and state constitutional rights of voters to hear all candidates' speech and it will help restore the core First Amendment and state constitutional values of open and robust debate in the political process.

(l) The partial repeal of the political tax credit, ORS 316.102, provides additional money to the General Fund that is directed to the Political Accountability Fund. The Political Accountability Act is a more effective way to meet the stated public policy purpose of the political tax credit, which is to increase public participation in the political process.

**SECTION 3. DEFINITIONS.** As used in sections 2 to 26 of this 2000 Act:

(1) "Certified candidate" means a candidate for nomination or election to statewide office or the office of state Senator or state Representative who chooses to participate in the Political Accountability Act and who is certified as a Political Accountability Act candidate under section 10 of this 2000 Act.

(2) "Fund" means the Political Accountability Fund established in section 5 of this 2000 Act.

(3) "Legislative district dominated by one party" means a district for the office of state Senator or state Representative in which the number of electors who are members of the major political party, as described in ORS 248.006, with the highest number of members in the district exceeds the number of electors in the district who are members of any other major political party by 50 percent or more.

(4) "Nonparticipating candidate" means a candidate for nomination or election to statewide office or the office of state Senator or state Representative who does not choose to participate in the Political Accountability Act and who is not seeking to be certified as a Political Accountability Act candidate under section 10 of this 2000 Act.

(5) "Participating candidate" means a candidate for nomination or election to statewide office or the office of state Senator or state Representative who chooses to participate in the Political Accountability Act and is seeking to be certified as a Political Accountability Act candidate under section 10 of this 2000 Act.

(6) "Qualifying contribution" means a contribution:

(a) Of \$5 in cash, or in the form of a check or a money order, made or payable to the candidate or principal campaign committee of the candidate; and

(b) Made during the designated qualifying period by an individual who is a resident of this state and 18 years of age or older.

(7) "Qualifying period" means:

(a) For participating candidates of a major political party, the period beginning on the 250th day immediately preceding the biennial primary election and ending at 5 p.m. on the 40th day immediately preceding the biennial primary election.

(b) For participating candidates who are not candidates for nomination of a major political party, the period beginning on the 15th day after the date of the biennial primary election and ending at 5 p.m. on the 40th day immediately preceding the general election.

(8) "Seed money contribution" means a contribution described in section 8 of this 2000 Act of no more than \$100 made by a person or a political committee, to a candidate.

(9) "Statewide office" means the offices of Governor, Secretary of State, State Treasurer and Attorney General.

**SECTION 4. CONTRIBUTIONS TO POLITICAL ACCOUNTABILITY ACT CANDIDATES ARE MADE ONLY DURING THE QUALIFYING PERIOD AND ARE LIMITED TO SEED MONEY CONTRIBUTIONS OF \$100 AND QUALIFYING CONTRIBUTIONS OF \$5.** (1) To be eligible to become a certified candidate, a participating candidate may receive and spend only qualifying

contributions and seed money contributions after filing a declaration of intent under section 8 of this 2000 Act and throughout the applicable qualifying period.

(2) A participating candidate shall not make a seed money contribution of more than \$100 or a qualifying contribution of more than \$5 from the participating candidate's personal funds to the participating candidate or the participating candidate's principal campaign committee.

(3) A candidate who has filed for certification under section 10 of this 2000 Act may not receive seed money contributions or qualifying contributions.

**SECTION 5. MANAGEMENT OF POLITICAL ACCOUNTABILITY FUND BY STATE TREASURER IN COOPERATION WITH SECRETARY OF STATE.** (1) The Political Accountability Fund is established in the State Treasury, separate from the General Fund. All moneys described in section 6 of this 2000 Act shall be paid into the State Treasury and credited to the Political Accountability Fund. Moneys in the fund may be invested in the same manner as other state moneys, and any interest earned shall be credited to the fund.

(2) The Secretary of State shall keep a record of all moneys deposited in the Political Accountability Fund that shall indicate the source from which the moneys are derived, the interest earned and the activity or program against which any withdrawal is charged.

(3) If moneys credited to the fund are withdrawn, transferred or otherwise used for purposes other than the program or activity for which the fund is established, interest shall accrue on the amount withdrawn from the date of withdrawal and until the moneys are restored.

(4) Moneys in the fund shall provide, and are continuously appropriated for, the financing of election campaigns of certified candidates for nomination or election to statewide office or the office of state Senator or state Representative, and the payment of administrative, enforcement and other expenses of the Secretary of State in carrying out the secretary's functions and duties under sections 2 to 26 of this 2000 Act.

**SECTION 6. CONTENTS OF POLITICAL ACCOUNTABILITY FUND.** The following shall be deposited in the Political Accountability Fund:

(1) An amount appropriated by the Legislative Assembly to the Political Accountability Fund. The amount appropriated under this subsection shall be equal to the average of the total amount claimed as a tax credit under ORS 316.102 (1997 Edition) for contributions made to candidates for nomination or election to statewide office as defined in section 3 of this 2000 Act and candidates for nomination or election to the office of state Senator or state Representative in each of the three successive biennia beginning on or after July 1, 1993. The amount shall be determined by the Department of Revenue in cooperation with the Secretary of State. The amount described in this subsection shall be deposited by the State Treasurer in the Political Accountability Fund not later than July 1 of each odd-numbered year. The amount to be appropriated under this subsection is made available by the repeal of the political tax credit contained in ORS 316.102 (1997 Edition) for contributions to candidates who may participate in the Political Accountability Act;

(2) Fund revenues that were distributed to a certified candidate, that remain unspent after a biennial primary election or general election and that are returned to the fund as provided in section 16 of this 2000 Act;

(3) Fund revenues delivered by any certified candidate who withdraws as a certified candidate or who withdraws as a candidate for nomination or election as provided in section 25 of this 2000 Act, or by a candidate whose certification has been revoked under section 19 of this 2000 Act;

(4) Fund revenues delivered by any certified candidate against whom a civil penalty has been imposed, as described in section 26 of this 2000 Act;

(5) Voluntary contributions made directly to the fund;

(6) Civil penalties and other moneys collected under section 26 of this 2000 Act; and

# Measure No. 6

(7) Any amounts allocated or transferred under section 17 of this 2000 Act.

**SECTION 7. NOTICE OF AMOUNT OF FUNDS AVAILABLE.** (1) Except as provided in subsection (2) of this section, not later than September 1 of each odd-numbered year, the Secretary of State shall publish a notice of the amount of revenues contained in the Political Accountability Fund as of August 1 of the odd-numbered year.

(2) If a regular session of the Legislative Assembly has not adjourned by August 1 of the odd-numbered year, the secretary shall publish the notice as soon as practicable following September 1 of the odd-numbered year. The notice shall describe the amount of revenues contained in the Political Accountability Fund as of the date the Legislative Assembly adjourns.

**SECTION 8. DECLARATION OF INTENT TO BECOME POLITICAL ACCOUNTABILITY ACT CANDIDATE.** (1) A participating candidate shall file a declaration of intent to seek certification as a certified candidate and to comply with the requirements of sections 2 to 26 of this 2000 Act. Except as provided by rule under section 20 (1) of this 2000 Act, the declaration of intent shall be filed with the Secretary of State during the applicable qualifying period pursuant to forms and procedures adopted by the Secretary of State by rule. A participating candidate shall submit a declaration of intent prior to collecting qualifying contributions and seed money contributions.

(2) The declaration of intent shall specify that the candidate agrees to comply with the provisions of section 23 of this 2000 Act.

(3) After filing a declaration of intent and prior to becoming a certified candidate, a participating candidate may not:

(a) Accept contributions, except for qualifying contributions, seed money contributions and contributions described in subsection (5) of this section; or

(b) Make expenditures from funds other than qualifying contributions and seed money contributions.

(4) A participating candidate shall limit the total aggregate amount of the candidate's seed money contributions to an amount that does not exceed 10 percent of the total amount that may be distributed to a certified candidate for the same office at a contested general election, as specified in section 13 of this 2000 Act.

(5) In addition to seed money and qualifying contributions, a participating candidate may accept:

(a) Contributions consisting of printed or electronic lists created or maintained by a political party or political committee. The value of any contribution received under this paragraph shall not count against the applicable limit on seed money contributions described in subsection (4) of this section; and

(b) Any other in-kind contributions. The value of any contribution received under this paragraph shall not count against the applicable limit on seed money contributions described in subsection (4) of this section. The aggregate amount of contributions received under this paragraph and section 11 (5)(b) of this 2000 Act shall not exceed an amount equal to five percent of the applicable spending limit described in section 13 of this 2000 Act.

**SECTION 9. QUALIFYING REQUIREMENTS FOR POLITICAL ACCOUNTABILITY ACT CANDIDATES BASED ON DEMONSTRATING PUBLIC SUPPORT BY GATHERING MANY \$5 QUALIFYING CONTRIBUTIONS.** (1) In order to qualify for certification under section 10 of this 2000 Act, participating candidates shall obtain qualifying contributions during the qualifying period as follows:

(a) For a candidate for nomination or election to the office of Governor, a minimum of 8,000 electors must make a qualifying contribution to the candidate;

(b) For a candidate for nomination or election to the office of Secretary of State, a minimum of 6,000 electors must make a qualifying contribution to the candidate;

(c) For a candidate for nomination or election to the office of State Treasurer or Attorney General, a minimum of 4,000 electors must make a qualifying contribution to the candidate;

(d) For a candidate for nomination or election to the office of

state Senator, a minimum of 500 electors must make a qualifying contribution to the candidate; or

(e) For a candidate for nomination or election to the office of state Representative, a minimum of 300 electors must make a qualifying contribution to the candidate.

(2) All qualifying contributions shall be from individuals residing in this state. In the case of a candidate for nomination or election to the office of state Senator or state Representative, not less than 75 percent of the qualifying contributions received by the candidate must be from individuals residing in the candidate's electoral district.

(3) A payment, gift or anything of value shall not be given or received in exchange for a qualifying contribution.

**SECTION 10. CERTIFICATION OF CANDIDATES BY SECRETARY OF STATE.** (1) After receiving at least the minimum number of qualifying contributions specified under section 9 of this 2000 Act, a participating candidate shall file for certification with the Secretary of State. The secretary shall determine whether the candidate has:

(a) Signed, filed and complied with the provisions of a declaration of intent described in section 8 of this 2000 Act;

(b) Received the minimum number of valid qualifying contributions;

(c) Qualified as a candidate by nominating petition, declaration of candidacy or other means; and

(d) Not accepted contributions, except for qualifying contributions, seed money contributions and contributions described in section 8 (5) of this 2000 Act, and has complied with all requirements applicable to qualifying and seed money contributions.

(2) The Secretary of State shall certify a candidate complying with the requirements of this section as a certified candidate not later than five business days after the candidate has filed with the secretary under this section.

(3) A certified candidate shall comply with all requirements of sections 2 to 26 of this 2000 Act after certification and throughout the biennial primary and general election periods.

(4) If the Secretary of State does not certify a candidate under this section, the secretary shall advise the candidate of the reasons and of the actions the candidate must take to become certified.

**SECTION 11. LIMITATIONS ON USE OF REVENUES FROM POLITICAL ACCOUNTABILITY FUND. MONEY CAN ONLY BE USED FOR LEGITIMATE CAMPAIGN EXPENSES.** (1) After becoming a certified candidate, a candidate shall limit the candidate's expenditures to the revenues distributed to the candidate from the Political Accountability Fund and to remaining qualifying and seed money contributions. A certified candidate may not accept any other contributions, except for contributions described in subsection (5) of this section.

(2) Notwithstanding ORS 260.407, all revenues distributed to certified candidates from the fund shall be used only for purposes related to the candidate's campaign for nomination or election to public office.

(3) Revenues distributed to a certified candidate from the Political Accountability Fund may not be:

(a) Contributed to any other candidate or political committee;

(b) Used to make independent expenditures supporting or opposing any candidate, political committee or measure;

(c) Used in connection with the nomination or election of a certified candidate to any office or at any election except the office or election for which the revenues were originally distributed; or

(d) Used to repay any loans or debts.

(4) A person shall not make or accept a contribution in violation of sections 2 to 26 of this 2000 Act.

(5) In addition to revenues distributed to the candidate from the Political Accountability Fund, a certified candidate may accept:

(a) Contributions consisting of printed or electronic lists created or maintained by a political party or political committee. The value of any contribution received under this paragraph shall not count against the applicable spending limit described in section 13 of this 2000 Act; and

(b) Any other in-kind contributions. The value of any contribution

# Measure No. 6

received under this paragraph shall not count against the applicable spending limit described in section 13 of this 2000 Act. The aggregate amount of contributions received under this paragraph and section 8 (5)(b) of this 2000 Act shall not exceed an amount equal to five percent of the applicable spending limit described in section 13 of this 2000 Act.

## **SECTION 12. TIMELY RECEIPT OF FUNDS BY POLITICAL ACCOUNTABILITY ACT CANDIDATES.**

(1) The Secretary of State shall distribute revenues in the Political Accountability Fund to certified candidates who are candidates for nomination of a major political party, as described in ORS 248.006, or who are nominees of a major political party in amounts determined under section 13 of this 2000 Act, in the following manner:

(a) Within 10 business days after certification, an amount equal to 20 percent of the amount available to the candidate for the biennial primary election under section 13 of this 2000 Act;

(b) Within three business days after the 90th day immediately preceding the biennial primary election, an amount equal to 80 percent of the amount available to the candidate for the biennial primary election under section 13 of this 2000 Act;

(c) Within 10 business days after the biennial primary election, an amount equal to 20 percent of the amount available to the candidate for the general election under section 13 of this 2000 Act; and

(d) Within three business days after the 120th day immediately preceding the general election, an amount equal to 80 percent of the amount available to the candidate for the general election under section 13 of this 2000 Act.

(2) The Secretary of State shall distribute revenues in the fund to certified candidates who are candidates of a minor political party, as described in ORS 248.008, or who are not affiliated with any political party, in amounts determined under section 13 of this 2000 Act, in the following manner:

(a) Within 10 business days after certification, an amount equal to 20 percent of the amount available to the candidate for the general election under section 13 of this 2000 Act; and

(b) Within three business days after the 120th day immediately preceding the general election, an amount equal to 80 percent of the amount available to the candidate for the general election under section 13 of this 2000 Act.

(3) In the case of candidates described in subsections (1) and (2) of this section who qualify as certified candidates on or after the 90th day immediately preceding the biennial primary election or on or after the 120th day immediately preceding the general election, the Secretary of State shall distribute revenues in the Political Accountability Fund to the candidates in an amount equal to 100 percent of the amount available to the candidate for the election under section 13 of this 2000 Act. The revenues shall be distributed within 10 business days after certification.

(4) Revenues may be distributed to certified candidates under this section by any mechanism that is expeditious, ensures accountability and safeguards the integrity of the fund.

(5) The Secretary of State may extend any deadline for distributing revenues under this section in the case of a recount or other circumstance that makes distribution of revenues by a deadline specified in this section impracticable.

(6) For each biennium beginning July 1 of the odd-numbered year, the total amount of revenues distributed from the Political Accountability Fund shall not exceed an amount equal to \$5 per each individual who is eligible to register to vote in this state times each year of the biennium. Not later than September 1 of each odd-numbered year, the Secretary of State shall determine the maximum amount of revenues that may be distributed from the fund in the biennium.

(7) The Secretary of State shall not distribute revenues from the Political Accountability Fund to certified candidates in excess of the total amount of moneys deposited in the fund.

## **SECTION 13. CAMPAIGN SPENDING LIMITS FOR POLITICAL ACCOUNTABILITY ACT CANDIDATES.**

(1) Subject to sections 12 (6) and (7) and 16 (2) of this 2000 Act and subsection (3) of this section, and except as provided in subsection (2) of this section, the amount of revenues to be distributed to certified candi-

dates as described in section 12 of this 2000 Act shall be:

(a) For contested biennial primary elections:

(A) \$600,000 for each candidate for nomination to the office of Governor;

(B) \$200,000 for each candidate for nomination to any statewide office other than Governor;

(C) \$40,000 for each candidate for nomination to the office of state Senator; and

(D) \$25,000 for each candidate for nomination to the office of state Representative.

(b) For uncontested biennial primary elections, an amount equal to 30 percent of the amount available for a contested biennial primary election as specified in paragraph (a) of this subsection.

(c) For contested general elections:

(A) \$1,200,000 for each candidate for election to the office of Governor;

(B) \$400,000 for each candidate for election to any statewide office other than Governor;

(C) \$80,000 for each candidate for election to the office of state Senator; and

(D) \$50,000 for each candidate for election to the office of state Representative.

(d) For uncontested general elections, an amount equal to 10 percent of the amount available for a contested general election as specified in paragraph (c) of this subsection.

(2) Notwithstanding subsection (1)(a), (c) and (d) of this section:

(a) In a contested biennial primary election for nomination to the office of state Senator or state Representative held in a legislative district dominated by one party, a certified candidate for nomination to the office of state Senator or state Representative, who is a member of the major political party that is the dominant party in the district, may choose to reallocate a portion of revenues that would be available to the candidate for the general election to the biennial primary election.

(b) The certified candidate shall notify the Secretary of State that the candidate chooses to reallocate revenues under this subsection not later than the 40th day immediately preceding the biennial primary election.

(c) The certified candidate shall be entitled to receive additional revenues from the Political Accountability Fund in any amount that does not exceed 50 percent of the applicable amount described in subsection (1)(a) of this section.

(d) If a certified candidate who chooses to receive additional revenues under this subsection for the biennial primary election becomes a certified candidate at the general election:

(A) The amount of revenues the candidate may receive from the Political Accountability Fund for a contested general election under this section shall be reduced by an amount equal to the additional amount the candidate received for the biennial primary election.

(B) The amount of revenues the candidate may receive from the fund for an uncontested general election under this section shall not be reduced.

(e) The Secretary of State shall determine whether a district is a legislative district dominated by one party as defined in section 3 of this 2000 Act in the manner and according to a schedule adopted by the secretary by rule.

(3) For each biennial primary election, the amount of revenues to be distributed to a certified candidate under this section shall be reduced by an amount equal to the aggregate amount of:

(a) Seed money contributions received by the candidate during the applicable qualifying period and that are unspent on the date of filing for certification; and

(b) Qualifying contributions received by the candidate during the applicable qualifying period.

## **SECTION 14. ALLOW FOR MORE DEBATE TO LEVEL THE PLAYING FIELD BY MAKING AVAILABLE A LIMITED AMOUNT OF MATCHING FUNDS IF POLITICAL ACCOUNTABILITY ACT CANDIDATE IS OUTSPENT BY COMBINATION OF INDEPENDENT EXPENDITURES AND/OR CONTRIBUTIONS TO NONPARTICIPATING OPPONENT(S).**

(1) If a statement filed under ORS 260.058 (1) or 260.068 (1) or a notice filed



# Measure No. 6

under section 22 of this 2000 Act shows that a nonparticipating candidate for nomination or election to statewide office or the office of state Senator or state Representative has received contributions or made expenditures in an aggregate amount that exceeds the amount of revenues to be distributed to opposing certified candidates for the same nomination or office as specified in section 13 of this 2000 Act, any opposing certified candidate for the same nomination or office shall be eligible to receive an additional amount of matching funds as described in subsection (5) of this section.

(2) If any statement filed under ORS 260.044 or notice filed under section 21 of this 2000 Act during a period described in subsection (4) of this section shows that the aggregate amount of independent expenditures made in support of or in opposition to a candidate for nomination or election to statewide office or the office of state Senator or state Representative exceeds the amount of revenues to be distributed to a certified candidate for nomination or election to the same office as specified in section 13 of this 2000 Act, then:

(a) If the independent expenditures are made in support of one or more candidates, any opposing certified candidate for the same nomination or office shall be eligible to receive an additional amount of matching funds as described in subsection (5) of this section; and

(b) If the independent expenditures are made in opposition to one or more certified candidates, each certified candidate against whom the expenditures are made shall be eligible to receive an additional amount of matching funds as described in subsection (5) of this section.

(3) A certified candidate shall also be eligible to receive an additional amount of matching funds as described in subsection (5) of this section if the statements or notices referred to in subsections (1) and (2) of this section show that any combination of contributions received or expenditures made as described in subsection (1) of this section and independent expenditures described in subsection (2) of this section exceeds in aggregate the amount of revenues to be distributed to the certified candidate under section 13 of this 2000 Act.

(4) The provisions of subsection (2) of this section apply during the periods:

(a) Beginning on the 250th day before the date of the biennial primary election and ending on the date of the biennial primary election; and

(b) Beginning on the day after the date of the biennial primary election and ending on the date of the general election.

(5) Matching funds under this section shall be distributed from the Political Accountability Fund:

(a) In an amount equivalent to the amount of contributions or expenditures that exceeds the amount of revenues to be distributed to the certified candidate under section 13 of this 2000 Act; and

(b) In the case of independent expenditures made in support of a single candidate or in opposition to a single certified candidate, in an amount equivalent to the amount of independent expenditures that exceeds the amount of revenues to be distributed to the certified candidate under section 13 of this 2000 Act. In the case of independent expenditures made in support of more than one candidate or in opposition to more than one certified candidate, in an amount equivalent to the amount of independent expenditures that exceeds the amount of revenues to be distributed to the certified candidate under section 13 of this 2000 Act, divided by the number of certified candidates eligible to receive matching funds because of the independent expenditures.

(6) An amount of matching funds distributed under this section shall not exceed 100 percent of the amount available to be distributed to the certified candidate under section 13 of this 2000 Act.

(7) Notwithstanding any other provision of this section:

(a) For a biennial primary election at which a certified candidate has made the choice to receive additional revenues under section 13 (2) of this 2000 Act, matching funds shall be available to the certified candidate under this section only when the amount of contributions or expenditures described in subsection (1), (2) or

(3) of this section exceeds the total amount distributed to the certified candidate under section 13 (2) of this 2000 Act; and

(b) For a general election involving a certified candidate who has made the choice to receive additional revenues for the biennial primary election under section 13 (2) of this 2000 Act, matching funds shall be available to the certified candidate under this section when the amount of contributions or expenditures described in subsection (1), (2) or (3) of this section exceeds the original amount of revenues to be distributed to the certified candidate at the general election, without any reduction for the additional amount distributed for the biennial primary election. However, if the certified candidate is the only certified candidate for the office at the general election, matching funds shall be available to the certified candidate under this section only when the amount of contributions or expenditures described in subsection (1), (2) or (3) of this section exceeds an amount equal to the original amount of revenues to be distributed to the certified candidate at the general election, less the additional amount distributed for the biennial primary election.

(8) The Secretary of State shall distribute matching funds under this section not later than four business days after receiving a written request from the certified candidate if the secretary concludes that the certified candidate qualifies for matching funds under this section.

## **SECTION 15. FULL DISCLOSURE OF CAMPAIGN EXPENDITURES AND SEED MONEY AND QUALIFYING CONTRIBUTIONS.**

(1) All seed money contributions and qualifying contributions received by a participating candidate shall be reported as contributions on statements required by ORS 260.058 and 260.068. the Secretary of State by rule may provide for reporting previously reported contributions by reference.

(2) All revenues distributed to and received by a certified candidate from the Political Accountability Fund shall be reported as contributions on statements required by ORS 260.058 and 260.068.

(3) If the contribution is a seed money contribution, the statement shall list the name, occupation and address of each individual who made the contribution, regardless of the amount of the contribution.

(4) If the contribution is a qualifying contribution, the statement shall list the name and address of each individual who made the contribution, but is not required to list the occupation of each individual.

(5) ORS 260.205 applies to each notice and written proof delivery filed under section 21 or 22 of this 2000 Act.

(6) The Secretary of State may issue subpoenas under ORS 260.218 necessary to determine the sufficiency of any notice or written proof of delivery required to be filed under section 21 or 22 of this 2000 Act.

(7) ORS 260.225 applies to any candidate, treasurer or person who fails to file a notice or written proof of delivery required under section 21 or 22 of this 2000 Act or who files an insufficient notice or written proof of delivery.

## **SECTION 16. UNSPENT POLITICAL ACCOUNTABILITY FUND REVENUES RETURNED TO FUND IN MOST EFFICIENT MANNER AFTER BIENNIAL PRIMARY AND GENERAL ELECTIONS.**

(1) If the first post-election statement filed by a certified candidate under ORS 260.058 for the biennial primary election shows unspent revenues received from the Political Accountability Fund, and the candidate was not nominated at the biennial primary election, the candidate shall return an amount of money equal to the amount of the unspent revenues to the Secretary of State when the statement required under ORS 260.058 is filed.

(2) If the first post-election statement filed by a certified candidate under ORS 260.058 for the biennial primary election shows unspent revenues received from the Political Accountability Fund, and the candidate was nominated at the biennial primary election, the amount of revenues to be distributed to the certified candidate under section 13 of this 2000 Act at the general election shall be reduced by an amount equal to the aggregate amount of unspent revenues received from the Political Accountability Fund.

# Measure No. 6

(3) If the first post-election statement filed by a certified candidate under ORS 260.068 for the general election shows unspent revenues received from the fund, the candidate shall return an amount of money equal to the amount of the unspent revenues to the Secretary of State not later than the date the statement required under ORS 260.068 is filed.

**SECTION 17. PROVISIONS TO PROVIDE ADEQUATE FUNDING IN FUTURE ELECTION CYCLES.** Notwithstanding any provision of section 6 of this 2000 Act:

(1) Not later than the 10th business day following the end of the qualifying period before the biennial primary election, the Secretary of State shall determine whether the amount deposited in the Political Accountability Fund under section 6 of this 2000 Act will be sufficient to provide the amount the secretary estimates will be necessary to make payments to candidates under sections 2 to 26 of this 2000 Act at the biennial primary and general elections. The determination of the Secretary of State shall be based on the amount of revenues intended to be available to certified candidates under section 13 of this 2000 Act, the number of candidates who are certified candidates at the biennial primary election, the projected number of certified candidates at the general election and any other factors specified by the Secretary of State by rule.

(2) If the Secretary of State determines under subsection (1) of this section that the amount deposited in the Political Accountability Fund under section 6 of this 2000 Act will be insufficient to provide the amount the secretary estimates will be necessary to make payments to candidates under sections 2 to 26 of this 2000 Act at the biennial primary and general elections, the secretary shall request the additional amount the secretary estimates will be necessary from the Emergency Board. The Emergency Board, out of funds available for the purpose, shall allocate that amount to the Secretary of State for the purpose of making payments to candidates under sections 2 to 26 of this 2000 Act at the biennial primary and general elections. The amount allocated to the Secretary of State under this subsection shall be deposited in the Political Accountability Fund. Any moneys allocated to the Secretary of State under this subsection that have not been distributed to certified candidates as of the 20th day following the general election shall be transferred by the Secretary of State from the Political Accountability Fund to the General Fund to be available for general governmental expenditures.

(3) In addition to the provisions of subsection (2) of this section, if the Secretary of State determines under subsection (1) of this section that the amount deposited in the Political Accountability Fund under section 6 of this 2000 Act will be insufficient to provide the amount the secretary estimates will be necessary to make payments to candidates under sections 2 to 26 of this 2000 Act at the biennial primary and general elections, the secretary may request the State Treasurer to transfer the additional amount the secretary considers necessary from the General Fund or other funds to the Political Accountability Fund in the manner specified in ORS 293.210. Notwithstanding any provision of ORS 293.210, the State Treasurer shall transfer that amount from the General Fund or other funds to the Political Accountability Fund not later than 10 business days after receiving the request from the Secretary of State. The next deposit or deposits made to the Political Accountability Fund after the transfer described in this subsection shall be considered collateral for the transfer made by the State Treasurer under this subsection. Moneys in the Political Accountability Fund may be used to repay any transfer and accrued interest to the State Treasurer after all obligations to certified candidates are satisfied. The State Treasurer shall notify the Legislative Assembly if the Political Accountability Fund will not be balanced before the end of the biennium. If the Political Accountability Fund will not be balanced before the end of the biennium, the Legislative Assembly shall appropriate sufficient funds to repay any transfer made under this subsection and accrued interest before the end of the biennium during which the transfer was made. The additional funds transferred by the State Treasurer into the Political Accountability Fund under this subsection shall be used for making payments to candidates under

sections 2 to 26 of this 2000 Act at the biennial primary and general elections.

(4) The amount of funds appropriated to the Political Accountability Fund for biennial primary and general elections held after 2002 shall not be less than the amount described in section 6 (1) of this 2000 Act or the amount of payments made from the fund for the immediately preceding biennial primary and general elections, whichever amount is greater. In addition, each Legislative Assembly at a regular session occurring after 2001, based on a recommendation from the Secretary of State, shall appropriate an additional amount to the Political Accountability Fund to account for reasonable growth. Each regular session of the Legislative Assembly shall give priority to the reduction of tax expenditures as a method to provide more revenues for the Political Accountability Fund.

**SECTION 18. AUTOMATIC ADJUSTMENT FOR INFLATION.**

Beginning on July 1, 2005, the dollar amounts specified in section 13 of this 2000 Act shall be adjusted annually by the Secretary of State based upon the change in the Portland Consumer Price Index for All Urban Consumers for All Items as prepared by the Bureau of Labor Statistics of the United States Department of Labor or its successor during the preceding 12-month period. The amounts determined under this section shall be rounded to the nearest dollar.

**SECTION 19. HEARING ON CERTIFICATION AND MATCHING FUND DISPUTES.**

(1) A candidate who has been refused certification or an opponent of a candidate who has been granted certification under section 10 of this 2000 Act may challenge a certification decision by the Secretary of State by filing a written request for a hearing with the Secretary of State not later than three business days after the certification decision is made.

(2) A candidate who has been granted or refused matching funds under section 14 of this 2000 Act, or an opponent of a candidate who has been granted matching funds under section 14 of this 2000 Act, may challenge the matching funds decision by the Secretary of State by filing a written request for a hearing with the Secretary of State not later than three business days after the matching funds decision is made.

(3) The parties involved in the request for a hearing need not appear in person at a hearing held under this section, but instead may submit sworn affidavits and other evidence to the Secretary of State for entry in the hearing record. Such documents must be received by the Secretary of State not later than one business day before the day of the hearing.

(4) All hearings under this section shall be held not later than five business days after the request for a hearing is filed under this section. The hearing shall be conducted as a contested case hearing pursuant to the applicable provisions of ORS 183.413 to 183.470.

(5) The Secretary of State shall issue an order not later than three business days after a hearing. The Secretary of State may grant or revoke certification under this section. The Secretary of State may grant or revoke matching funds, or modify a matching funds decision, under this section.

(6) Judicial review of an order made under this section shall be as provided in ORS 183.480 to 183.497 for judicial review of contested cases.

(7) If the certification of a candidate is revoked following a hearing under this section, the candidate shall return to the Secretary of State an amount of money equal to the total amount of revenues distributed to the candidate from the Political Accountability Fund. If matching funds distributed under section 14 of this 2000 Act are revoked, the candidate shall return to the Secretary of State an amount of money equal to the amount of revoked matching funds distributed to the candidate from the Political Accountability Fund. If the Secretary of State or a court finds that a request for a hearing under this section was made frivolously or to cause delay or hardship, the Secretary of State or the court may require the person who filed the request for a hearing to pay costs of the secretary, court and opposing parties, and attorney fees of the opposing parties, if any.

# Measure No. 6

**SECTION 20. ADMINISTRATION OF POLITICAL ACCOUNTABILITY ACT BY SECRETARY OF STATE.** (1) The Secretary of State shall adopt rules to ensure effective administration of sections 2 to 26 of this 2000 Act. The rules shall include but are not limited to procedures for:

(a) Qualification, certification and disbursement of Political Accountability Fund revenues and return of unspent fund revenues for contests involving special elections, recounts, vacancies, withdrawals or replacement candidates;

(b) Obtaining qualifying contributions;

(c) Certification as a Political Accountability Act candidate;

(d) Collection of revenues for the Political Accountability Fund;

(e) Distribution of fund revenues to certified candidates; and

(f) Return of fund disbursements and other moneys to the fund.

(2) The Secretary of State shall prescribe forms for notices and written proof of delivery required to be filed under sections 21 and 22 of this 2000 Act and furnish the forms to persons required to file the notices and written proof of delivery.

**SECTION 21. INDEPENDENT EXPENDITURE DISCLOSURE REQUIREMENTS.** (1) Notwithstanding ORS 260.044 (1), a person making an independent expenditure in an amount of \$1,000 or more, or independent expenditures in an aggregate amount of \$1,000 or more, supporting or opposing a candidate or candidates for nomination or election to statewide office or the office of state Senator or state Representative shall file notice, deliver copies of the notice and file written proof of delivery of copies of the notice as provided in this section.

(2) The person making an independent expenditure or expenditures described in subsection (1) of this section shall:

(a) File written notice with the Secretary of State. The notice shall describe the amount and use of the independent expenditure or expenditures and state the name of the candidate or candidates the independent expenditure or expenditures are intended to support or oppose;

(b) Deliver a copy of the notice to each candidate at the same election for the nomination or office described in subsection (1) of this section for whom a nominating petition, a declaration of candidacy or a certificate of nomination has been filed; and

(c) File written proof with the Secretary of State that a copy of the notice was delivered to each candidate described in paragraph (b) of this subsection.

(3) The notice and written proof of delivery shall be filed with the secretary and copies of the notice shall be delivered to candidates no later than 5 p.m. of the next business day after funds for the independent expenditure or expenditures are obligated. The notice and written proof of delivery shall be filed together.

(4) The copy of the notice shall be delivered to each candidate by registered or certified mail or by another method that provides written proof that the copy of the notice was delivered. A copy of the notice shall be considered to be delivered when the copy is mailed, sent, transmitted or otherwise delivered. Nothing in this section requires that a candidate receive a copy of the notice prior to the deadline specified in subsection (3) of this section.

(5) Each separate independent expenditure or aggregate amount of independent expenditures described in subsection (1) of this section shall require compliance with the provisions of this section.

(6) For purposes of this section, an independent expenditure is obligated when the expenditure is made or an agreement to make the expenditure is made.

**SECTION 22. DISCLOSURE REQUIREMENTS FOR NONPARTICIPATING CANDIDATES TO ENSURE TIMELY RELEASE OF MATCHING FUNDS.** (1) A nonparticipating candidate for nomination or election to statewide office or the office of state Senator or state Representative shall file notice, deliver copies of the notice and file written proof of delivery of copies of the notice as provided in this section if:

(a) The nonparticipating candidate receives contributions or makes expenditures during the total period described in ORS 260.058 (1) or 260.068 (1) in an aggregate amount that exceeds the amount of revenues to be distributed to opposing certified candidates for the same nomination or office as specified in

section 13 of this 2000 Act; or

(b) Any combination of contributions received or expenditures made by the nonparticipating candidate during the total period described in ORS 260.058 (1) or 260.068 (1) and independent expenditures described in section 14 (2) of this 2000 Act exceeds in aggregate the amount of revenues to be distributed to opposing certified candidates for the same nomination or office under section 13 of this 2000 Act.

(2) The nonparticipating candidate described in subsection (1) of this section shall:

(a) File written notice with the Secretary of State. The notice shall describe the amount of contributions received or expenditures made;

(b) Deliver a copy of the notice to each certified candidate at the same election for the nomination or office described in subsection (1) of this section for whom a nominating petition, a declaration of candidacy or a certificate of nomination has been filed; and

(c) File written proof with the Secretary of State that a copy of the notice was delivered to each candidate described in paragraph (b) of this subsection. The written proof of delivery shall be filed together with the notice.

(3)(a) Except as provided in paragraph (b) of this subsection, the notice and written proof of delivery shall be filed with the secretary and copies of the notice shall be delivered to certified candidates no later than 5 p.m. of the second business day after:

(A) The amount of contributions received or expenditures made exceeds the amount described in subsection (1) of this section; or

(B) A notice received under section 21 of this 2000 Act indicates that independent expenditures obligated, alone or together with contributions received or expenditures made by the nonparticipating candidate, exceed the amount described in subsection (1) of this section.

(b) During the period beginning on the first day of the accounting period for the second preelection statement of contributions received and expenditures made described in ORS 260.058 and 260.068 and ending on the date of the election, the notice and written proof of delivery shall be filed with the secretary and copies of the notice shall be delivered to certified candidates no later than 5 p.m. of the next business day after:

(A) The amount of contributions received or expenditures made exceeds the amount described in subsection (1) of this section; or

(B) A notice received under section 21 of this 2000 Act indicates that independent expenditures obligated, alone or together with contributions received or expenditures made by the nonparticipating candidate, exceed the amount described in subsection (1) of this section.

(4) The copy of the notice shall be delivered to each certified candidate by registered or certified mail or by another method that provides written proof that the copy of the notice was delivered. A copy of the notice shall be considered to be delivered when the copy is mailed, sent, transmitted or otherwise delivered. Nothing in this section requires that a certified candidate receive a copy of the notice prior to the deadline specified in subsection (3) of this section.

(5) Following the first notice required under this section, a separate notice is required each time a nonparticipating candidate receives contributions or makes expenditures in an aggregate amount of:

(a) \$20,000 or more in the case of a candidate for nomination or election to the office of Governor;

(b) \$10,000 or more in the case of a candidate for nomination or election to any statewide office other than Governor; and

(c) \$5,000 or more in the case of a candidate for nomination or election to the office of state Senator or state Representative.

(6) The Secretary of State shall provide forms to facilitate compliance with this section.

(7) For purposes of this section, an expenditure is obligated when the expenditure is made or an agreement to make the expenditure is made.

**SECTION 23. POLITICAL ADVERTISEMENT DISCLOSURE REQUIREMENTS FOR POLITICAL ACCOUNTABILITY ACT CANDIDATES.** (1) As part of the declaration of intent described

# Measure No. 6

in section 8 of this 2000 Act, a participating or certified candidate shall agree to include the information described in subsections (2) to (4) of this section in any advertisement advocating the nomination, election or defeat of a candidate and paid for by the participating or certified candidate or the principal campaign committee of the participating or certified candidate.

(2) A printed advertisement described in subsection (1) of this section shall include the phrase "Paid for by" followed by the name of the candidate or principal campaign committee of the candidate. The advertisement shall also include the following statement: "As a candidate participating in the Political Accountability Act, I take personal responsibility for the content of this campaign ad." The statement shall be followed by a copy of the signature of the candidate and the legibly printed name of the candidate. As used in this subsection, "printed advertisement" means a brochure, pamphlet, flyer, newspaper or magazine advertisement or other similar advertisement designated by the Secretary of State by rule. "Printed advertisement" does not include any button, sign or other similar advertisement designated by the Secretary of State by rule.

(3) A radio advertisement described in subsection (1) of this section shall include the phrase "Paid for by" followed by the name of the candidate or principal campaign committee of the candidate. The advertisement shall also include the following statement made by the candidate: "As a candidate participating in the Political Accountability Act, I take personal responsibility for the content of this campaign ad."

(4) A television or video advertisement described in subsection (1) of this section shall include the phrase "Paid for by" followed by the name of the candidate or principal campaign committee of the candidate. The phrase shall occur visually or audibly. The advertisement shall also include the following statement made by the candidate: "As a candidate participating in the Political Accountability Act, I take personal responsibility for the content of this campaign ad." The statement shall be made by the candidate while in front of the camera or while a photograph of the candidate is displayed.

**SECTION 24. VOTERS' PAMPHLET NOTICE OF PARTICIPATION IN POLITICAL ACCOUNTABILITY ACT SYSTEM.** If a candidate for nomination or election to statewide office or the office of state Senator or state Representative is a participating candidate in the Political Accountability Act, the Secretary of State shall include with the voters' pamphlet statement of the candidate at the biennial primary and general elections, a statement indicating that the candidate is a participating candidate in the Political Accountability Act and has agreed to the terms and conditions of the Political Accountability Act, including limitations on campaign contributions and expenditures.

**SECTION 25. WITHDRAWAL OF CERTIFIED CANDIDATE; REPAYMENT OF PUBLIC FUNDS WITH INTEREST REQUIRED.** (1) A certified candidate may withdraw as a certified candidate by filing a written statement of withdrawal with the Secretary of State. At the time the statement of withdrawal is filed, the candidate shall also deliver to the Secretary of State an amount of money equal to all revenues distributed to the candidate from the Political Accountability Fund after the date the candidate was certified, plus interest on the total amount of revenues received at a rate of 12 percent per annum.

(2) A certified candidate who withdraws as a candidate for nomination or election as provided in ORS chapter 249 shall comply with the requirements of subsection (1) of this section at the time the candidate files a statement of withdrawal.

(3) A certified candidate who withdraws as a certified candidate or as a candidate, or who is required to deliver money to the fund under section 26 of this 2000 Act, shall not receive any contribution or make any expenditure until the candidate has delivered to the Secretary of State any moneys required to be delivered under this section and section 26 of this 2000 Act.

(4) A certified candidate who withdraws as a certified candidate or as a candidate shall be personally liable for any amounts to be paid to the Secretary of State under this section.

(5) If a certified candidate withdraws as a certified candidate or

as a candidate, or if a certified candidate is required to deliver money to the fund under section 26 of this 2000 Act, the Secretary of State shall disseminate public notice to that effect within one business day of the withdrawal or determination made under section 26 of this 2000 Act.

(6) The Secretary of State shall deposit moneys received under this section in the Political Accountability Fund.

**SECTION 26. PENALTIES; REMOVAL AS CERTIFIED CANDIDATE FOR RECEIVING PRIVATE CONTRIBUTIONS; REPAYMENT OF PUBLIC FUNDS.** (1) The Secretary of State or the Attorney General may impose a civil penalty not to exceed \$10,000 for any violation of section 4, 8 (3), 9, 10, 11 (2) to (5), 16, 21 or 25 of this 2000 Act.

(2) For violations of section 11 (1) of this 2000 Act, the Secretary of State or Attorney General may impose a civil penalty not to exceed the greater of \$10,000 or the amount of any contribution or expenditure received or made in violation of section 11 (1) of this 2000 Act.

(3) Civil penalties under this section shall be imposed in the manner provided in ORS 260.995.

(4) If a civil penalty has been imposed under this section against a candidate or the principal campaign committee of a candidate, the candidate shall be personally liable for the amount to be paid under this section. If a civil penalty has been imposed under this section against a political committee other than a principal campaign committee, the directors of the political committee shall be jointly and severally liable for any amount to be paid under this section.

(5) A certified candidate against whom a civil penalty has been imposed for violation of section 11 (1) of this 2000 Act shall be removed as a certified candidate by the Secretary of State and shall not be eligible to receive revenues from the Political Accountability Fund during the biennial primary and general election cycle during which the penalty is imposed. At the time the civil penalty is imposed, the candidate shall deliver to the Secretary of State an amount of money equal to all revenues distributed to the candidate from the Political Accountability Fund after the date the candidate was certified, plus interest on the total amount of revenues received at a rate of 12 percent per annum.

(6) If the Secretary of State or Attorney General determines that a participating or certified candidate has violated any provision of section 23 of this 2000 Act:

(a) The candidate shall deliver to the Secretary of State an amount of money equal to the cost of any advertisement made in violation of section 23 of this 2000 Act, plus interest on the amount of money delivered at a rate of 12 percent per annum; and

(b) If the Secretary of State or Attorney General determines that a participating or certified candidate has violated any provision of section 23 of this 2000 Act three or more times, the candidate shall be removed as a participating or certified candidate by the Secretary of State or Attorney General and shall not be eligible to receive revenues from the Political Accountability Fund during the biennial primary and general election cycle during which the violation occurred. If applicable, the candidate shall deliver to the Secretary of State an amount of money equal to all revenues distributed to the candidate from the Political Accountability Fund after the date the candidate was certified, plus interest on the total amount of revenues received at a rate of 12 percent per annum.

(7) All penalties and moneys received under this section for violations of any provision of sections 2 to 26 of this 2000 Act shall be paid into the State Treasury and credited to the Political Accountability Fund.

**SECTION 27. AMENDMENT BECAUSE LANGUAGE NO LONGER APPLICABLE.** ORS 260.188 is amended to read:

260.188. (1) An expenditure not qualifying as an independent expenditure shall be considered an in-kind contribution to the candidate or the principal campaign committee of the candidate and an expenditure by the candidate or the principal campaign committee of the candidate.

(2) For purposes of ORS 260.180, the amount of an expendi-

# Measure No. 6

~~turo not qualifying as an independent expenditure shall count against the expenditure limits of the candidate for whose benefit the expenditure was made.]~~

~~[(3) For purposes of the contribution limitations established by ORS 260.160, the amount of an expenditure not qualifying as an independent expenditure shall count against the contribution limits of the person or political committee making the expenditure.]~~

~~[(4)] (2) No person, including a candidate or political committee, shall report an expenditure as an independent expenditure if the expenditure does not qualify as an independent expenditure under ORS 260.005.~~

**SECTION 28, 29, 30, 31, AND 32 PERTAIN TO MAKING FUNDS AVAILABLE FOR THE POLITICAL ACCOUNTABILITY FUND THROUGH REPEAL OF THE POLITICAL TAX CREDIT FOR CANDIDATES WHO MAY PARTICIPATE IN THE POLITICAL ACCOUNTABILITY ACT. THE POLITICAL ACCOUNTABILITY ACT WILL MORE EFFECTIVELY ACHIEVE THE PUBLIC POLICY PURPOSE OF THE POLITICAL TAX CREDIT WHICH IS TO INCREASE PUBLIC PARTICIPATION IN POLITICS. CREDIT NOT AVAILABLE AFTER JANUARY 1, 2001 BUT REPEALED IN 2004 TO ALLOW FOR LATE AND AMENDED TAX RETURNS.**

**SECTION 28.** ORS 316.102 is amended to read:

316.102. (1) A credit against taxes shall be allowed for voluntary contributions in money made in the taxable year:

(a) To a major political party qualified under ORS 248.006 or to a committee thereof or to a minor political party qualified under ORS 248.008 or to a committee thereof.

(b) Except as provided in subsection (4) of this section, to or for the use of a person who must be a candidate for nomination or election to a federal, state or local elective office in any biennial primary election, presidential preference primary election, general election or special election in this state. The person must, in the calendar year in which the contribution is made, either be listed on a biennial primary election, presidential preference primary election, general election or special election ballot in this state or have filed in this state one of the following:

- (A) A prospective petition;
- (B) A declaration of candidacy;
- (C) A certificate of nomination; or
- (D) A designation of a principal campaign committee.

(c) To a political committee, as defined in ORS 260.005, organized and operated exclusively to support or oppose ballot measures or questions to be voted upon within this state if the political committee has certified the name of its treasurer to the filing officer, as defined in ORS 260.005, in the manner provided in ORS chapter 260.

(2) The credit allowed by subsection (1) of this section shall be the lesser of:

(a) The total contribution, not to exceed \$50 on a separate return; the total contribution, not to exceed \$100 on a joint return; or

(b) The tax liability of the taxpayer.

(3) The claim for tax credit shall be substantiated by submission, with the tax return, of official receipts of the candidate, agent, political party or committee thereof or political committee to whom contribution was made.

(4) A credit against taxes shall not be allowed under this section for voluntary contributions of money made in the taxable year to a candidate for statewide office or the office of state Senator or state Representative ~~(if the candidate has not filed a declaration of limitation on expenditures under ORS 260.180 for each election at which the candidate is a candidate for nomination or election indicating that the candidate will not make attributable expenditures in excess of the applicable limitations described in ORS 260.180).~~

(5) As used in this section, "statewide office" ~~[means the office of Governor, Secretary of State, State Treasurer, Attorney General, Superintendent of Public Instruction and Commissioner of the Bureau of Labor and Industries]~~ has the meaning given that term in section 3 of this 2000 Act.

**SECTION 29.** If Senate Bill 369 (1999) becomes law, section 28 of this 2000 Act (amending ORS 316.102) is repealed and ORS

316.102, as amended by section 27, chapter :HR3B., Oregon Laws 1999 (Enrolled Senate Bill 369), is amended to read:

316.102. (1) A credit against taxes shall be allowed for voluntary contributions in money made in the taxable year:

(a) To a major political party qualified under ORS 248.006 or to a committee thereof or to a minor political party qualified under ORS 248.008 or to a committee thereof.

(b) Except as provided in subsection (4) of this section, to or for the use of a person who must be a candidate for nomination or election to a federal, state or local elective office in any biennial primary election, general election or special election in this state. The person must, in the calendar year in which the contribution is made, either be listed on a biennial primary election, general election or special election ballot in this state or have filed in this state one of the following:

- (A) A prospective petition;
- (B) A declaration of candidacy;
- (C) A certificate of nomination; or
- (D) A designation of a principal campaign committee.

(c) Except as provided in subsection (4) of this section, to a political committee, as defined in ORS 260.005, if the political committee has certified the name of its treasurer to the filing officer, as defined in ORS 260.005, in the manner provided in ORS chapter 260.

(2) The credit allowed by subsection (1) of this section shall be the lesser of:

(a) The total contribution, not to exceed \$50 on a separate return; the total contribution, not to exceed \$100 on a joint return; or

(b) The tax liability of the taxpayer.

(3) The claim for tax credit shall be substantiated by submission, with the tax return, of official receipts of the candidate, agent, political party or committee thereof or political committee to whom contribution was made.

(4) A credit against taxes shall not be allowed under this section for voluntary contributions of money made in the taxable year to a candidate for statewide office or the office of state Senator or state Representative.

(5) As used in this section, "statewide office" has the meaning given that term in section 3 of this 2000 Act.

**SECTION 30.** If Senate Bill 946 (1999) becomes law, section 33, chapter :HR3B., Oregon Laws 1999 (Enrolled Senate Bill 946) (amending ORS 316.102), is repealed.

**SECTION 31.** The amendments to ORS 316.102 by section 28 or 29 of this 2000 Act apply to tax years beginning on or after January 1, 2001.

**SECTION 32. PROCEEDINGS OR PROSECUTIONS RELATED TO ELECTION LAW VIOLATIONS OCCURRING PRIOR TO EFFECTIVE DATE OF THIS ACT WILL BE ADDRESSED UNDER LAW IN PLACE PRIOR TO EFFECTIVE DATE OF THIS ACT.**

(1) Sections 1 to 26 of this 2000 Act and the amendments to ORS 260.188 by section 27 of this 2000 Act apply only to activities occurring and proceedings, actions, prosecutions or other business or matters undertaken or commenced under ORS chapter 260 on or after the effective date of this 2000 Act.

(2) Any proceeding, action, prosecution or other business or matter undertaken or commenced before the effective date of this 2000 Act under ORS chapter 260 (1997 Edition), and still pending on the effective date of this 2000 Act, may be conducted and completed in the same manner, under the same terms and conditions and with the same effect as though undertaken, conducted or completed before the effective date of this 2000 Act.

(3) Nothing in this 2000 Act relieves any person of any obligation with respect to a tax, fee, fine, civil penalty or other charge, interest, penalty, forfeiture or other liability, duty or obligation.

**SECTION 33. LAWS REPEALED BECAUSE NO LONGER APPLICABLE.** ORS 260.160, 260.164, 260.178, 260.180, 260.182, 260.184, 260.190, 260.192, 260.202, 260.265, 260.997 and 260.999 are repealed.

**SECTION 34. POLITICAL ACCOUNTABILITY ACT AVAILABLE IN 2002 ELECTION CYCLE FOR CANDIDATES FOR GOVERNOR, SECRETARY OF STATE, ATTORNEY GENERAL, STATE**

# Measure No. 6

**TREASURER, STATE REPRESENTATIVE AND STATE SENATOR.**

(1) It is the intent of this 2000 Act that candidates for nomination or election to statewide office, as defined in section 3 of this 2000 Act, and candidates for nomination or election to the offices of state Senator and state Representative shall first receive revenues from the Political Accountability Fund for use in the biennial primary and general elections held in 2002.

(2) In accordance with subsection (1) of this section:

(a) The amendments to ORS 260.188 and 316.102 by sections 27 and 28 or 29 of this 2000 Act become operative January 1, 2001;

(b) Sections 4, 7 to 19 and 22 to 26 of this 2000 Act become operative July 1, 2001; and

(c) Subject to section 39 of this 2000 Act, the repeal of statutes by section 33 of this 2000 Act becomes operative January 1, 2001.

(3) The Secretary of State may take any action prior to the operative date of any provision of this 2000 Act that is necessary to implement any provision of this 2000 Act on or after the operative date of any provision of this 2000 Act.

**SECTION 35. SECTIONS ADDED TO EXISTING LAW.** Sections 1 to 26 of this 2000 Act are added to and made a party of ORS chapter 260.

**SECTION 36. APPLICABILITY OF SECTION 21.** Section 21 of this 2000 Act applies to independent expenditures obligated on or after the effective date of this 2000 Act.

**SECTION 37. SEVERABILITY CLAUSE.** (1) If any part of this 2000 Act is held unconstitutional, void or otherwise without effect, the remaining parts shall remain in force unless:

(a) This 2000 Act provides otherwise;

(b) The remaining parts are so essentially and inseparably connected with and dependent upon the part that is unconstitutional, void or without effect that it is apparent that the remaining parts would not have been enacted without the part that is unconstitutional, void or without effect; or

(c) The remaining parts, standing alone, are incomplete and incapable of being executed in accordance with the intent of this 2000 Act.

(2) If any of the provisions of this 2000 Act relating to the provision of adequate funding of the Political Accountability Act are held unconstitutional, void or otherwise without effect, the Legislative Assembly shall make adequate funding available, in accordance with the provisions of this 2000 Act, at the next following regular or special session of the Legislative Assembly.

**SECTION 38. EFFECT OF SECTION CAPTIONS.** The section captions used in this 2000 Act are provided only for the convenience of the reader and do not become part of the statutory law of this state or express any intent in the enactment of this 2000 Act.

**SECTION 39. CONFLICT AMENDMENTS.** If Senate Bill 369 (1999) becomes law, sections 27 (amending ORS 260.188 (1997 Edition)) and 33 of this 2000 Act are repealed.

NOTE: **Boldfaced** type indicates new language; ~~bracketed and strikethrough~~ type indicates deletions or comments.

## EXPLANATORY STATEMENT

The Political Accountability Act, Measure 6, establishes an alternative system to provide campaign funds to qualifying candidates who agree to limit the political contributions they receive and the amount of their campaign spending. Measure 6 provides limited public funding for the campaigns of qualifying candidates for Governor, Secretary of State, Treasurer, Attorney General, state Senator, and state Representative. Candidates qualify by: 1) agreeing to accept only certain permitted contributions and make expenditures only from those sources; 2) receiving specified numbers of \$5 contributions from Oregon residents to demonstrate public support.

The number of \$5 qualifying contributions for each applicable office are: Governor – 8,000; Secretary of State – 6,000; Attorney General and Treasurer – 4,000; state Senator – 500; and state Representative – 300.

Money may be spent only on legitimate campaign expenses. The source of public funds is savings to the General Fund generated by the repeal of use of the Political Tax Credit for contributions to candidates who have the option of running under the Political Accountability Act; any unspent money provided to a participating candidate; any money that has been distributed to a participating candidate who withdraws that must be returned; any penalties assessed against participating candidates; voluntary contributions made directly to the fund; and additional funds appropriated by the Legislative Assembly. Full funding is mandated and the legislature is directed to give priority for reduction of tax expenditures to meet the goal. The use of the Political Tax Credit by political committees, ballot measure committees, and candidates for races not covered by Measure 6 is not affected. Measure 6 includes an inflation adjustment provision. There is an overall cap to the amount of money that can be distributed to participating candidates in any one biennium. The cap is \$5 per year times the number of Oregonians eligible to register to vote.

Measure 6 includes increased disclosure requirements for contributions and independent expenditures. Non-qualifying candidates must give notice to opposing candidates and the Secretary of State when they receive or spend an amount that exceeds the amount of public funds to be distributed for that race. Any person or organization making an independent expenditure of more than \$1,000 must give notice to affected candidates and the Secretary of State. Matching funds are available to a participating candidate if a non-participating candidate has received more contributions than the funding allowed for a participating candidate. Matching funds are also available if a combination of contributions to a non-participating candidate and independent expenditures targeting a particular candidate reach the allowed funding level for a participating candidate. Matching funds are limited with a cap at double the original amount.

Political advertisements for participating candidates must include the statement: "I take personal responsibility for the content of this campaign ad." Candidates participating in the Political Accountability Act will be identified in the Voters' Pamphlet. Measure 6 will be administered by the Secretary of State Elections Division with expedited hearing options available. Civil penalties up to \$10,000 may be imposed for violations.

**Committee Members:**

Kappy Eaton  
 Representative Diane Rosenbaum  
 Andrew Anderson  
 Fred VanNatta  
 Edward L. Clark, Jr.

**Appointed by:**

Chief Petitioners  
 Chief Petitioners  
 Secretary of State  
 Secretary of State  
 Members of the Committee

*(This committee was appointed to provide an impartial explanation of the ballot measure pursuant to ORS 251.215.)*

# Measure No. 6 Arguments

## ARGUMENT IN FAVOR

### Frequently Asked Questions about Measure 6

"Why do we need it?"

Money helps candidates win elections. Politicians improve their chances of raising money by following the will of those with money to contribute. Therefore, those with money to contribute have special influence over government.

"Can't we just limit the size of contributions?"

No, it doesn't work. In fact, there are contribution limits in place right now for federal candidates, but these limits haven't given us an honest federal government.

"Why not?"

The limits are easily and routinely evaded. 1) Big corporations give employees special "bonuses" to contribute. 2) Instead of one large contribution, individual donors make contributions to multiple political committees that support the same candidate. 3) Donors can also give money to the political party. 4) Special interests write and air their **own** political ads. None of these evasions can be prevented; the first is hard to prove and the rest are considered free speech.

"Can't we limit how much is spent?"

No. The U.S. Supreme Court has ruled that spending limits are unconstitutional.

"Why will Measure 6 solve the problem?"

Campaigns educate voters, so candidates must have enough money to effectively campaign. But the people and institutions that fund political campaigns dominate our government. Measure 6 will allow citizens to run for office without relying on private contributions. It will create real political accountability by combining spending limits, strict reporting requirements, and limited public financing.

"Won't this mean higher taxes?"

No. Eliminating special favors will save Oregon more than Measure 6 will cost.

"How can you be sure of that?"

Special interests invest money in politicians because they expect to make far **more** money from favorable legislation, tax breaks, subsidies, outright giveaways, and other legislative favors. That means eliminating these favors will save **far more** than the cost of replacing special interest campaign contributions.

Special interests view paying for political campaigns as a good investment. **They're right. Vote YES on Measure 6!**

*(This information furnished by John Flanery.)*

*(This space purchased for \$500 in accordance with ORS 251.255.)*

The printing of this argument does not constitute an endorsement by the State of Oregon, nor does the state warrant the accuracy or truth of any statement made in the argument.

## ARGUMENT IN FAVOR

The League of Women Voters of Oregon asks you to join us in voting YES ON MEASURE 6.

We have a unique opportunity here in Oregon to help lead the nation in campaign finance reform. In response to the growing problem of money in politics, the League of Women Voters is proud to have helped create the Oregon Political Accountability Act (now before the voters as Measure 6), which aims for nothing less than to reinvigorate our democracy.

The League of Women Voters has a long history of support for measures which help address the cycle of cynicism and disinterest which threaten our basic relationship to government. After careful study, we have determined that without building a "clean money" alternative tied to strict reporting requirements and spending limits, our democracy will continue to be threatened by the dominant role of big money interest.

Under the act, political candidates who agree to limit the cost of their campaigns, and to also accept no private campaign contributions, can receive limited public financing from the Political Accountability fund.

**This comprehensive campaign finance reform would help level the playing field in Oregon politics and allow those candidates with the best qualifications and ideas to compete with those with the most money.**

Once the Political Accountability Act passes, politicians will be able to get elected without trading their votes to big money interests, and we will greatly increase the likelihood that the interests of all Oregonians will be served by our elected officials.

**Please take a moment to put the voice of the people back into our political system.** Elected officials should be free to serve the people who put them in office, not the contributors who pay for their campaigns. Measure 6 provides the best opportunity in Oregon history for meaningful, constitutionally valid campaign finance reform.

**PLEASE VOTE YES ON MEASURE 6.**

*(This information furnished by Paula Krane, President, League of Women Voters of Oregon.)*

*(This space purchased for \$500 in accordance with ORS 251.255.)*

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# Measure No. 6 Arguments

## ARGUMENT IN FAVOR

### PEOPLE WHO CARE ABOUT FAIR ELECTIONS CARE ABOUT CLEAN MONEY ELECTIONS

Having served Oregon as Secretary of State, each one of us has spent a great deal of time dealing with problems associated with our campaign finance system.

After careful scrutiny, we believe that real campaign finance reform is not possible unless we address the core of the problem: money. Here in Oregon, the \$12.5 million spent on 1998 legislative races set a new record, with less than 4 percent of those funds coming from contributions of \$50 or less. Meanwhile, another record was set -- for lowest voter turnout for both the primary and general elections. The people of Oregon truly are excluded and therefore turning away from a system run by wealthy contributors and special interests.

It is frustrating that not a single piece of substantive reform has passed the Oregon legislature since 1973. In the meantime, we have witnessed an exponential increase in the degree of negative partisanship in Oregon politics tied to the narrow agendas of special interests.

Big money interests pour more money into politics through a variety of devices, from bundled campaign contributions to soft money issue ads. As vast amounts of money flow into the system, costs skyrocket. Candidates consequently spend more time raising money and less time talking to voters.

Clearly, the regulations governing campaign financing require fundamental restructuring. Already, four states -- Maine, Massachusetts, Arizona, and Vermont -- have adopted reform measures to create a "Clean Money" option to allow candidates to reject contributions from special interests.

As chief elections officials for the state, we each have had a great concern for the integrity of our political process.

**We urge all Oregonians to vote yes on Measure #6 to restore integrity to the process.**

SECRETARY OF STATE BILL BRADBURY (D)  
FORMER SECRETARY OF STATE NORMA PAULUS (R)  
FORMER SECRETARY OF STATE PHIL KEISLING (D)  
FORMER SECRETARY OF STATE BARBARA ROBERTS (D)

*(This information furnished by Norma Paulus.)*

*(This space purchased for \$500 in accordance with ORS 251.255.)*

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## ARGUMENT IN FAVOR

### Republicans for Campaign Finance Reform

Every election, it seems more money than ever before gets raised and spent to influence voters, but fewer people bother to participate in a system they see as increasingly removed from the needs of real people.

Oregon cannot prosper economically without a legislative system that can make decisions about what is best for the state as a whole. Nothing good can come of a system preoccupied with partisan gridlock and the petty agendas of politicians loaded with the burden of raising increasingly huge budgets. We all lose when our civic and economic infrastructures deteriorate as special interests and lobbyists rule through the influence of campaign contributions.

Once elected, some individuals can be hamstrung by the role special interest money plays in discouraging legislators from thinking and acting independently.

That's why we are asking you to support a fundamental change in the way we finance elections.

In 1973, Oregonians were successful in passing comprehensive campaign finance reform only to have it struck down on a minor point by the Supreme Court. None of our efforts to limit campaign contributions have withstood Supreme Court tests to date. For that reason, we are joining a bipartisan coalition in a new tactic -- one which we are confident will survive a court challenge because it is working in other states already.

Under the Political Accountability Act, participating candidates agree to limit the cost of their campaigns, and accept no private campaign contributions during the primary or general elections. In return, candidates receive a set amount of public support.

It's time we created a system where good people can run and serve the common good with only we the people to answer to at the end of the day.

**We therefore urge all our fellow Republicans to vote YES ON 6.**

NORMA PAULUS, CHIEF PETITIONER AND FORMER SUPER-INTENDENT OF PUBLIC INSTRUCTION  
REP. JOHN DELLENBACK, CHIEF PETITIONER AND FORMER MEMBER OF CONGRESS  
VERNE DUNCAN, STATE SENATOR

*(This information furnished by Norma Paulus.)*

*(This space purchased for \$500 in accordance with ORS 251.255.)*

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# Measure No. 6 Arguments

## ARGUMENT IN FAVOR

### The American Cancer Society Supports Measure 6

What if your ballot carried a warning label:

**CAUTION: Special interest contributions can be dangerous to your health.**

Unfortunately, it doesn't. Yet most of the time, the public is unaware of how high-priced lobbyists and a handful of big money special interests control the political process.

As a public health non-profit, we don't often venture into direct politics. But we know better than most the dangerous influence of big money contributors in politics. In fact, it is no exaggeration to say that special interest money can literally kill people by blocking legislation that would otherwise save lives.

Measure 6 is an important and positive alternative to a campaign finance system that most people rightly see as broken. It will start to restore confidence in our basic electoral process, and help give the public an equal voice with special interest lobbyists.

Of course, no one reform can fix everything, but Measure 6 is a critical first step toward helping restore both our public health and the health of our democracy.

**Please, consider voting YES on MEASURE 6.**

THE AMERICAN CANCER SOCIETY NORTHWEST DIVISION

*(This information furnished by John Valley, American Cancer Society Northwest Division.)*

*(This space purchased for \$500 in accordance with ORS 251.255.)*

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## ARGUMENT IN FAVOR

### Ecumenical Ministries of Oregon Supports Ballot Measure #6

The Ecumenical Ministries of Oregon (EMO) Board and Public Policy Committee view this measure as an important first step in campaign finance reform. Because the measure is statutory, any changes that need to be made after its implementation can be addressed by the Legislature. It is our hope that the measure will encourage well-qualified candidates to run, especially those who might otherwise have been discouraged for lack of funds.

NOTE: The Roman Catholic Archdiocese of Portland and the Greek Orthodox Church abstained from EMO's deliberations regarding the November ballot measures. The Roman Catholic Archdiocese releases all public policy statements for the Archdiocese through the Oregon Catholic Conference.

ECUMENICAL MINISTRIES OF OREGON

*(This information furnished by Enid Edwards, Ecumenical Ministries of Oregon.)*

*(This space purchased for \$500 in accordance with ORS 251.255.)*

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# Measure No. 6 Arguments

## ARGUMENT IN FAVOR

### Oregon's Educational Professionals Ask You To Join Us In Voting YES ON MEASURE 6.

As educators, we are called upon to teach our children about the value of representational government and the strength of American democracy. Thankfully, we are not asked to explain why it is that our elected leaders talk so much about needing to invest in education, but never seem to have money left over for schools after their backroom deal-making is completed and they go back to the business of raising campaign contributions.

We all know that our political system is corrupted by the influence of a handful of wealthy donors and big money interests, but most of the time there is very little we can do to change the equation. Until now.

**Measure 6 will bring fairness and accountability back to the political process.** It will level the playing field so candidates with the best ideas and qualifications can compete with those who simply have the most money.

By combining spending limits with more extensive and timely reporting requirements, it will also limit the barrage of negative attacks that now dominate our political discourse. The limited "clean money" public financing it makes available to qualified candidates will cut the most direct and powerful link between big money special interests and politicians. Candidates elected under this system will be free to vote their conscience, answering only to the voters of their district. That is the true essence of representational government.

Because Measure 6 makes government more accountable to the people, we believe it will be good for education. Most importantly, we believe it is good for democracy in Oregon.

**Help us support education and a stronger democracy.  
VOTE YES ON MEASURE 6.**

AMERICAN FEDERATION OF TEACHERS OF OREGON

*(This information furnished by Amy Hunter, Director of Government Relations, American Federation of Teachers-Oregon.)*

*(This space purchased for \$500 in accordance with ORS 251.255.)*

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## ARGUMENT IN FAVOR

### VOTE YES ON #6 by OREGON COMMON CAUSE

Since its founding, Common Cause has worked to promote open, honest and accountable government. For the past 30 years we have represented the concerned voice of people fighting against corruption in government.

Today in Oregon we have a rare opportunity to support a positive alternative to the system of virtual bribery and influence peddling we currently call campaign finance. Common Cause strongly endorses Ballot Measure #6 and is proud that our activists and members in Oregon have helped lead this effort to rebuild the electoral foundation of our democracy.

The strength and genius of our system of government is the equation of "one person equals one vote". That core principle is now threatened by a government of, by and for a very small number of very large contributors. We believe it is time to put the voter ahead of the checkbook in the electoral process by eliminating the means by which some special interests control the government process.

Many now believe that one vote does not matter as much as the thousand or hundred thousand dollar checks from a big giver. But today your one vote can help liberate our democracy from the clutches of a few wealthy donors and narrow special interests.

We can complain about the corrupt influence of big money in politics but today we are given the chance to do something about it. This election we the people can make all the difference by overwhelmingly passing Ballot Measure #6 as a message to the country that the spirit of a democracy of, by and for the people is still strong here in Oregon.

**END POLITICAL TRICKS – VOTE YES ON #6.**

OREGON COMMON CAUSE

*(This information furnished by David Buchanan, Oregon Common Cause.)*

*(This space purchased for \$500 in accordance with ORS 251.255.)*

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# Measure No. 6 Arguments

## ARGUMENT IN FAVOR

### Congressman DeFazio Supports Measure #6

Dear Oregonian:

Measure #6 will help take special interest money out of Oregon politics. It will limit campaign spending for political candidates and provide a system of real accountability to control how political dollars are spent and reported.

Measure #6 is not a cure-all, but it will make a significant difference. The "clean money" alternatives it provides will allow qualified candidates to run for office without big money contributors.

I volunteered to collect signatures to place Measure #6 on the ballot. As an elected official, it is clear to me that we need meaningful campaign finance reform. Big money interests have put democracy at risk, demeaning and demoralizing political candidates and discouraging voters from participating. Measure #6 will put the voice of the people back in Oregon politics.

Measure #6 has broad, non-partisan support, but needs yours too. This is our chance to ensure that elected officials in Oregon work for all the people, not just special interests.

Please vote YES on Measure #6. The fairness of Oregon's political system depends on it.

Sincerely,

PETER DEFAZIO, MEMBER OF CONGRESS

*(This information furnished by Peter DeFazio.)*

*(This space purchased for \$500 in accordance with ORS 251.255.)*

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## ARGUMENT IN FAVOR

### A Farmer Speaks in Favor of Measure #6

As a private citizen, community member, and retired farmer, I urge Oregonians to strongly consider voting YES on Measure 6.

When you've spent time farming as I have, you learn to look at problems more deeply than how they first seem. If a crop looks bad, you learn to closely examine the soil it's growing in.

While I don't have near as much experience in politics, I think the same logic applies. Few people I know are pleased about the election choices we have to make every year -- especially with all the money spent on negative campaigns -- but how can we expect anything better with our current campaign finance system!

It is difficult to get talented and qualified people to run for office when that means spending most of one's time trying to raise money. A few \$50 contributions from friends and relatives doesn't go far...so candidates have to kiss up to special interests if they really want to have a chance. I understand that one of the legislative races this year in the Portland area is going to cost over \$1,000,000. A million dollars being spent to get a job that pays \$1,200 a month!

Clearly, there are many people with a lot at stake in what happens in Salem, people who are willing to give that money. As a fairly active member of the farming industry, and as a past legislative candidate, I have witnessed the constant lobbying efforts that go on. I know first hand about the money game going on behind the scenes.

I think it's time to create a way that people can get elected without being tied to special interests so that farmers and other folks like you and me can be represented in Salem as much as any big money lobbyist.

That's why I'm voting yes on Measure 6.

MARCUS SIMANTEL, RETIRED OREGON FARMER

*(This information furnished by Marcus Simantel.)*

*(This space purchased for \$500 in accordance with ORS 251.255.)*

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# Measure No. 6 Arguments

## ARGUMENT IN FAVOR

There is a reason why with each election cycle less and less people participate in the political process. Low voter turnout and lack of voter confidence needs to be recognized as two sides of the same coin. Too often, when we complain about declining political participation rates we assume that the problem is voter apathy. Elitist efforts to force people to vote will always fail, because they fail to respect the logic of non-participation.

Most people feel that their votes matter very little compared to the influence of big-money contributors. Mostly, they're right. Until we confront this uncomfortable truth, we have no business asking people to believe in representative democracy.

Money in politics is often talked about without looking at just what "special interests" are NOT being served as a result of the current system of campaign finance. In our country today, whole communities of people are systematically ignored through the legislative process because they are not significant enough financial contributors. Having a handful of minority representatives does little to change the fact that the voices of many communities are muted by the volume at which money talks.

Politicians from both parties admit that the current system is broken, but are unable or unwilling to break the ties of big money. That's why it's up to the people to enact real reform.

**VOTE YES ON MEASURE 6.**

REPRESENTATIVE JO ANN BOWMAN (DISTRICT 19)

*(This information furnished by Jo Ann Bowman, Representative, District #19.)*

*(This space purchased for \$500 in accordance with ORS 251.255.)*

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## ARGUMENT IN FAVOR

**The American Association of University Women of Oregon  
Speak Out in Favor of Measure 6**

The American Association of University Women of Oregon is dedicated to supporting measures that help to strengthen our democracy and restore voter trust in the electoral process.

It is those firmly held values which lead us to support Measure 6, and to urge all Oregonians to join us in enacting real campaign finance reform.

"Clean Money" reform is already demonstrating success in Maine, Vermont, Arizona and Massachusetts. Oregon can be proud to help lead a national movement by passing this groundbreaking campaign finance reform initiative.

We believe the campaign spending limits and reporting requirements of Measure 6 are the key to making public financing a viable reform option. The measure is well crafted to avoid lengthy court challenges.

It is time here in Oregon to make a strong statement in support of bringing democracy back to the people. Measure 6 is the right choice to help level the playing field of politics while restoring fairness and accountability to our electoral system.

Please join the thousands of members of the American Association of University Women across Oregon who will be voting YES on 6!

Katherine "Kappy" Eaton  
AMERICAN ASSOCIATION OF UNIVERSITY WOMEN OF OREGON

*(This information furnished by Katherine "Kappy" Eaton, American Association of University Women of Oregon.)*

*(This space purchased for \$500 in accordance with ORS 251.255.)*

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# Measure No. 6 Arguments

## ARGUMENT IN FAVOR

Year after year, people who care about our environment and quality of life are called upon to fight against efforts to weaken protections for our land, air, water, and health.

The 1999 Oregon Legislature was among the most hostile to environmental protection in our state's history. Among other attacks, lawmakers:

- launched a full-scale assault on Oregon's land use laws;
- enacted polluter-sponsored legislation to limit citizens' access to information on toxic chemical use in their communities;
- passed several bills attacking Oregon's landmark Salmon Plan;
- voted to subsidize heavily polluting companies merely for obeying pollution laws; and
- raided funds the voters had approved for improving our underfunded state parks and protecting threatened salmon.

How did our politicians get so out of touch with public support for clean water, clean air, and healthy communities? The explanation is obvious: the corrosive influence of special interest money in our political system.

The impact of anti-environmental money in politics is clear.

Money in politics has become a problem of epidemic proportions. "Clean money" public financing will sever the ties between politicians and big money interests, and give candidates who support environmental protections an independent means of reaching the public.

**We hope all those concerned about the future of Oregon's environment and the livability of our communities will vote YES on Measure 6.**

SIERRA CLUB  
OREGON LEAGUE OF CONSERVATION VOTERS  
1000 FRIENDS OF OREGON

*(This information furnished by Carol Porto, Sierra Club.)*

*(This space purchased for \$500 in accordance with ORS 251.255.)*

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## ARGUMENT IN FAVOR

It's no secret that Oregon's current campaign finance system makes it extremely difficult for real people to run for office. In order to launch a successful campaign you either need to be independently wealthy or a full-time fundraiser. These expensive campaigns have forced candidates to spend the majority of their time begging for money from special interest groups and lobbyists. Unfortunately, this type of campaign environment breeds the potential for abuse and lack of accountability with the voters.

As an elected official, I know how difficult it is to run a political campaign even in the best of circumstances. Four years ago, I had the pleasure of running against an opponent who (like myself) was committed to running a campaign based on issues – instead of who could raised the most money. This unique approach to running a campaign included a mutually established low spending limit. Our race was based on both respect for one another and the voters of Deschutes County.

This year Oregonians have an opportunity to take back control of their future through campaign finance reform. Measure #6 will help put accountability back into campaign finance – making candidates accountable for campaign spending, and, most importantly, making politicians accountable to the people who elect them.

**Measure #6 will help make our state government serve ALL the people of Oregon, NOT just big campaign contributors.**

**I'm voting YES on Measure #6 and I hope you will too.**

LINDA L. SWEARINGEN  
DESCHUTES COUNTY COMMISSIONER

*(This information furnished by Linda Swearingen, Deschutes County Commission.)*

*(This space purchased for \$500 in accordance with ORS 251.255.)*

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# Measure No. 6 Arguments

## ARGUMENT IN FAVOR

The Asian Pacific American Network of Oregon urges all Oregon voters to support Measure 6 as a way to provide desperately needed reform to our current system of campaign finance, and to create a means of opening the democratic process up to all voices in the American community.

Our network of leaders, activists and allies for Oregon's Asian-Pacific Islanders (Cambodian, Chamorro, Chinese, Filipino, Hawaiian, Hmong, Japanese, Korean, Lao, Mien, Samoan, Thai, Tongan, Vietnamese) is relatively new as a community organization. Our goal of earning the opportunity to effectively represent our concerns to government leaders is made systematically difficult by the extent to which money is valued over people in many current political contexts.

We believe that a bridge can and should be built between all communities, regardless of race or background. In that way, our various skills and abilities can translate into prosperity that embraces cultural, spiritual and material success for our families.

But to mobilize the collective social, cultural and economic strength of many communities, we need a system that rewards participation in democracy regardless of how much money you give to a candidate.

Measure 6 won't change everything about politics overnight, but it will create a more open, fair and honest debate by removing the shadow of doubt about whether elected leaders really have the best interest of our community – and all communities within it – at heart when they vote on our future.

**Please vote YES on Measure 6.**

ASIAN PACIFIC AMERICAN NETWORK OF OREGON (APANO)  
(Cambodian, Chamorro, Chinese, Filipino, Hawaiian, Hmong, Japanese, Korean, Lao, Mien, Samoan, Thai, Tongan, and Vietnamese communities)

Thach Nguyen  
Taro O'Sullivan  
Katy Yen  
Pamela Richardson  
Emma Reid  
Hongsa Chanthavong  
Choeun Neou  
Lee Po Cha

*(This information furnished by Thach Nguyen, APANO.)*

*(This space purchased for \$500 in accordance with ORS 251.255.)*

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## ARGUMENT IN FAVOR

**Oregon Action urges all Oregonians who want to restore democracy to vote YES on Measure 6.**

In 1999, Oregon Action released *Undermining Democracy*, a report showing the connection between campaign contributions and the progress of more than 3 dozen bills in the last session. We don't expose any illegal activities. We don't have to. The real scandal is what is legal.

More than 2/3rds of the money given to candidates in 1996 came from donors who gave over \$10,000. This isn't giving; it's investing. Contributors invest in access and influence. Their successful investments undermine democracy by increasing voter cynicism and distrust. The result is decreased citizen participation in elections and decision-making.

When the 1999 legislature voted to roll back the minimum wage for farm and restaurant workers, was it because of sincere indifference to working families or sincere gratitude for the \$700,000 invested by agribusiness and restaurant PAC's and their allies in the 98 election campaigns? We cannot know for sure, but sixty of those legislators received an "investment" from at least one of them. That undermines democracy.

In another example from the dozens in our report, an investment of \$900,000 in the 1998 elections by electric and phone utilities and their allies delivered over \$700 million in returns from the 1999 legislature. We should all invest so wisely.

**By voting YES on Measure 6, we can invest to strengthen democracy.**

We can invest in politically accountable elections with public financing. We can invest in electing leaders accountable to no one but the public. We can invest in restoring democracy.

There's a saying in politics, "You gotta dance with them what brung ya." The people of Oregon must do the bringing. If our Legislature is to be bought, then let the people buy it free and clear of cynicism, suspicion and distrust. **Vote YES on Measure 6. It's a wise investment.**

Oregon Action's *Undermining Democracy* report is online at [www.oregonaction.org](http://www.oregonaction.org).

*(This information furnished by RuthAlice Anderson, Oregon Action.)*

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# Measure No. 6 Arguments

## ARGUMENT IN FAVOR

### Rural Oregonians Speak On Behalf of Measure #6

It's no secret that big money currently rules the electoral process. Here in Oregon, that means a small handful of lobbyists and political powerbrokers decide who can run for office and what kinds of bills will make it through the legislature.

Mostly, that means rural Oregonians get short shrift. We can't contribute anywhere near the kind of money that it takes to compete in Salem, and even our elected representatives are dependent on outside funds to run for office.

Measure 6 -- The Political Accountability Act -- would change that by cutting the ties that bind candidates to big money contributors, therefore allowing elected officials to make decisions based on the merits of legislation and the interests of their constituents alone.

Measure 6 would allow true community leaders to run for office, instead of just insiders tied to the money game. By eliminating the need for candidates to spend all their time raising money, elected officials can instead spend their time talking to real people about real needs that need to be addressed by our state government.

The Political Accountability Act is Oregon's best, first step to comprehensive campaign finance reform.

**We urge all Oregonians to support MEASURE 6.**

### RURAL ORGANIZING PROJECT

*(This information furnished by Mairi Terry, Oregon Political Accountability Campaign.)*

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## ARGUMENT IN FAVOR

The Oregon Working Group for Campaign Finance Reform is proud to have helped craft Measure 6, and urges all Oregonians to support this critically needed campaign finance reform.

In 1997 the courts struck down an earlier campaign finance measure that Oregon voters had approved overwhelmingly. A broad array of bipartisan leaders and interested organizations then came together to craft a new law that would create comprehensive reform and also stand up in court.

We took great care to research and develop policy with extensive input over two and half years. This policy work is the basis for Measure 6, which will enact real and necessary changes in the way we fund campaigns for public office in the state of Oregon.

This model of reform has already passed in Maine, Vermont, Arizona and Massachusetts. Courts have now extensively tested its core provisions and found them to be constitutional.

The care taken to prepare this measure gives us great confidence that it will create meaningful change without creating unnecessary bureaucracy or getting bogged down in the courts. We hope you join us in voting YES on this historic initiative.

### OREGON WORKING GROUP FOR CAMPAIGN FINANCE REFORM

*(This information furnished by Janice Thompson, Oregon Working Group for Campaign Finance Reform.)*

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# Measure No. 6 Arguments

## ARGUMENT IN FAVOR

**There are 12.5 million reasons to vote for Measure 6.**

That's one for every dollar spent on 1998 legislative races in Oregon. As we think of the upcoming Governor's race, we could add millions more.

As politicians continue to set new spending records, fewer and fewer voters are willing to participate in a system they see as removed from their lives and not serving their basic interests.

Measure 6 will **bring much needed accountability** to the political process by **limiting spending** and **creating strict reporting requirements** for qualified candidates. In order to put the people back into politics, it will provide a limited amount of public funding to candidates who are willing to **reject special interest contributions**.

**We are proud of the broad, bipartisan coalition that has come together to support Measure 6.**

Chief petitioners include leading Republicans **Norma Paulus** and former Congressman **John Dellenback**, as well as **Kappy Eaton**, Statewide Public Policy Chair from the American Association of University Women of Oregon. Prominent Democrats, including Representative **Peter DeFazio**, Multnomah County Chair **Beverly Stein**, and former Secretary of State **Phil Keisling** have also endorsed the measure.

In addition to longtime campaign finance reform advocates such as **Common Cause**, **Oregon Action** and **OSPIRG**, our campaign has built a strong base of support from organizations that aren't traditionally viewed as active in campaign finance reform.

**Oregon AARP**, **Sierra Club**, **Ecumenical Ministries of Oregon** and the **American Cancer Society** have backed Measure 6 because they share the concern of many voters that special interests and big money contributors have become the dominant constituency of elected officials.

It is time for comprehensive, meaningful reform of the way we finance elections in Oregon. Measure 6 will help level the playing field of Oregon politics so candidates with the best ideas and qualifications can compete with those with the most money. It will help make our elections about voters, not big money contributors.

1-877-92BFAIR or [www.nobigmoney.com](http://www.nobigmoney.com) for more information.

*(This information furnished by Maida Terry, Oregon Political Accountability Campaign.)*

*(This space purchased for \$500 in accordance with ORS 251.255.)*

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## ARGUMENT IN FAVOR

**ACLU OF OREGON URGES YOU TO VOTE "YES" ON MEASURE 6**

The American Civil Liberties Union of Oregon urges you to vote "Yes" on Ballot Measure 6.

The ACLU of Oregon has endorsed Measure 6 because it will provide positive campaign finance reform while also protecting the Oregon Bill of Rights. The Oregon ACLU's endorsement of Measure 6 marks the first time that any affiliate of the ACLU has endorsed a "clean money" measure that has qualified for the ballot anywhere in the country.

ACLU has opposed many campaign finance proposals in Oregon and other states because those measures have either sought to impose unconstitutional mandatory restrictions on political campaigns or have been constitutional amendments designed to weaken the Oregon or federal Bill of Rights. While ACLU agrees that the current political campaign system needs a major overhaul, we can't support proposals that would weaken or violate the Bill of Rights.

**MEASURE 6 IS DIFFERENT**

Measure 6 is different from other campaign finance reform proposals because it imposes voluntary restrictions on candidates in exchange for providing "clean money" for campaigns. For those candidates who choose to participate, Measure 6 will eliminate the need for candidates to go begging to special interest groups for campaign donations.

Measure 6 may not fix everything that's wrong with election campaigns, but it is definitely a step in the right direction. And because Measure 6 is not a constitutional amendment, if something doesn't work right it can easily be fixed by the Legislature or through the initiative process.

**SUPPORT CAMPAIGN FINANCE REFORM AND THE BILL OF RIGHTS!  
VOTE "YES" ON MEASURE 6!!**

For more information on the ACLU of Oregon's positions Write us at PO Box 40585, Portland, OR 97240 or go to [www.aclu-or.org](http://www.aclu-or.org)

*(This information furnished by David Fidanque, American Civil Liberties Union of Oregon.)*

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# Measure No. 6 Arguments

## ARGUMENT IN FAVOR

**IF YOU WANT REAL CAMPAIGN FINANCE REFORM,**

**VOTE "YES" on 6**

**AND**

**"NO" on 98**

These two important measures — 6 and 98 — go hand in hand. Legal Experts agree that Measure 98 could "trump" Measure 6, even if Measure 6 gets more votes!

### **Measure 6 is good for Oregon**

Organizations including seniors, environmental, labor and consumer groups have put forth the Oregon Political Accountability Act-Measure 6. This measure is a major step in returning politics to the hands of working Oregonians — instead of in the hands of special interests, where it has been.

Under Measure 6, a candidate may voluntarily choose to run as a "clean money" candidate and must demonstrate enough public support in their district by collecting a specified number of small qualifying contributions from residents in their district. The candidate must also agree to limit spending and pledge to reject private contributions. In exchange, qualifying candidates receive public funds to pay for their campaigns.

**Although the vast majority of Oregonians support this type of real campaign finance reform, Bill Sizemore's Measure 98 could stop Measure 6 from being implemented — even if 6 gets more votes than 98! Sizemore himself knows this. In an Oregonian article, dated May 31, 2000, Sizemore said that this "proposed constitutional amendment (Measure 98) would trump Measure 6."**

In other words, because fair campaigns would allow public resources to be used for political purposes, Measure 98 could essentially void Measure 6 and all its supporters have done to take back Oregon politics from wealthy special interests.

**Vote no on Measure 98, and clear the way for Measure 6 and fair politics in Oregon.**

Maureen Kirk  
Oregon State Public Interest Research Group

*(This information furnished by Maureen Kirk, Oregon State Public Interest Research Group (OSPIRG).)*

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## ARGUMENT IN FAVOR

### **Small Business Owners Support Measure 6**

As Oregonians, we have been fortunate to avoid many of the kinds of scandals that other states have seen as a result of the current systems of campaign finance. However, the logic of campaign finance still puts many good people in bad positions every day in our political system.

As long as there is a direct incentive for politicians to appease campaign contributors, the best interests of the voters will always be weighed against the needs of large contributors. Regardless of how any one decision turns out, we believe elected leaders should simply be free to represent their constituents without potentially conflicting considerations.

Measure 6 will help to make our political system more accountable to the people in several ways:

\*It will provide an alternative "clean money" campaign finance system to allow elected officials to speak and vote their conscience.

\*Before they can qualify for public funds, legislative candidates who want to participate in this system must limit out of state contributions by collecting 75% of qualifying contributions from people in their own district.

\*Candidates who want to participate in this new system must agree to limit their personal contribution to their campaign to \$100 to keep the playing field level, regardless of personal wealth.

\*Finally, Measure 6 would change reporting requirements for special interest groups that run television ads by requiring immediate and full disclosure of the money being spent and where it comes from.

We believe that together, these reforms will help rebuild confidence in our political system, and will help good people get elected to political office the right way — with no strings attached.

That's why we are voting YES on Measure 6.

Patricia M. Dudley  
Tom Kelly  
Madeline B. Moore  
Mary M. Sellin

*(This information furnished by Patricia M. Dudley.)*

*(This space purchased for \$500 in accordance with ORS 251.255.)*

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# Measure No. 6 Arguments

## ARGUMENT IN OPPOSITION

### MEASURE SIX IS FATALLY FLAWED

Measure Six contains a loophole so huge you could drive a freight train through it.

**Instead of stopping the flow of money from special interest groups and large donors to candidates for public office, it could increase it.** Here's why:

The U.S. Supreme Court has ruled that individuals can spend as much of their own personal money expressing their personal political views as they wish. Therefore, Measure Six cannot prohibit independent expenditures, which is money spent, not by the candidate himself, but by some other individual, supporting or opposing the candidate.

The fatal flaw with Measure Six is that it requires the taxpayers to give matching funds to a candidate, if an independent expenditure is made supporting his opponent or attacking him.

Such flawed language will cause an unbelievable mess. Consider the following example:

Candidates Bob and Sue are both running for governor and both receive the \$1.2 million of taxpayer money that Measure Six stipulates they receive. Both are evenly matched. Then millionaire Joe spends \$250,000 of his own money running television ads allegedly supporting Sue. Under Measure Six, Bob would then get \$250,000 more tax dollars to bring his spending up to Sue's level. Sound Good?

But wait. Let's look at Joe's independent expenditure television ad supposedly "supporting" Sue. The pictures of Sue in the ad are not so flattering. The voice on the ads says that Sue wants a sales tax; wants to get rid of Oregon's public beach law and wants to increase gas taxes. Bottom line, the ad doesn't help Sue. It hurts her. **Nonetheless, her opponent could get \$250,000 in taxpayer matching funds to spend attacking Sue even more.** What a mess!

The net result of this huge loophole: Special interests would be just as powerful as before; campaigns would be just as expensive; only now those nasty, negative attack ads would be paid for with our tax dollars.

### VOTE NO ON MEASURE SIX

*(This information furnished by Becky Miller, Oregon Taxpayers United.)*

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## ARGUMENT IN OPPOSITION

### MEASURE SIX IS NOT CAMPAIGN FINANCE REFORM

The supporters of Measure Six claim the measure is a campaign finance reform measure. They claim it will help get the money out of politics. Not so.

The truth is, Measure Six is part of a national campaign financed largely by some very wealthy, very powerful, extreme left-wing individuals and groups. **These individuals and organizations are taking advantage of the public's desire for some kind of campaign finance reform and placing measures like Measure Six on the ballot across the country, using out-of-state money, to pass measures like Measure Six, which would force taxpayers to fund political campaigns.**

If Measure Six passes, taxpayers will be forced to finance half of the cost of the campaigns of the candidates they don't like while they are also supporting half of the campaigns of the candidates they do like. That's not just a radical idea. It's a rotten idea.

**Think of the candidate you like the least.** Maybe it's some left-wing whacko. Maybe it's some right-wing whacko. For some, it might be some squishy, lukewarm moderate. No matter. **If Measure Six passes, your hard-earned tax dollars could very well help fund that person's political campaign.**

Kind of reminds one of Thomas Jefferson's statement that it was sinful and tyrannical to force anyone to spend money supporting a political cause he doesn't believe in. **Crazy and un-American as that may seem, if Measure Six passes, we will all be doing exactly that.** We will all be paying taxes to support candidates we don't like.

There are lots of campaign finance reform proposals being discussed these days. Just so happens Measure Six is about the worst of the lot. So, please don't vote for it.

Measure Six is not campaign finance reform. A reform makes things better. Measure Six makes them worse.

### VOTE NO ON MEASURE SIX

*(This information furnished by Bill Sizemore, Oregon Taxpayers United.)*

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# Measure No. 6 Arguments

## ARGUMENT IN OPPOSITION

After Oregon taxpayers financed the campaign ads for an Aryan Nations or Klu Klux Klan candidate a few times the reasons to oppose measure 6 would be easier to explain.

If the measure 6 process for public funding of campaigns is approved it will certainly happen. And that is not all. Every ideology or self-promoter will be using tax money to run for public office in Oregon.

All it takes to get public funding is a \$5.00 contribution from a number of individuals. The number varies by office but as few as three hundred gets you started.

A \$1500 investment in "seed money" produces \$25,000 of tax money, a pretty good deal in anyone's language. A person could stand at the super market in a weekend and qualify for the taxpayers' money. They then tap into public funds for their personal "political" expenditures...money that should be spent on education or health care for our children.

Measure six increases taxes by \$1,000,000 and will cost the Secretary of State an estimated \$400,000 to administer. It may cost as much as \$24,000,000 an election cycle.

Many people find campaign advertising misleading, offensive and objectionable. Flooding our campaigns with candidates promoting extremist agenda's paid for with tax money will not improve Oregon's election process. It may well discourage voter participation while providing self-promotion to fringe candidates for every imaginable cause.

\$1500 seed money to qualify for \$25,000 in tax money with few strings attached will be very attractive to many people for many reasons other than responsible public service.

Imagine: Political Advertisements paid for with tax money.

Measure 6 must be defeated

It will not improve Oregon's election system.

**VOTE NO MEASURE 6!**

*(This information furnished by Fred VanNatta, Center to Protect Free Speech.)*

*(This space purchased for \$500 in accordance with ORS 251.255.)*

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## ARGUMENT IN OPPOSITION

Dear Voter:

Oregon's political system is not corrupt. Those who serve in our legislature and in state offices do so at great personal sacrifice. They forsake "civilian employment," earn paltry salaries, and open their lives to immense media scrutiny. But they still serve because they are driven by a personal need to make positive contributions to our state and communities.

Unfortunately, their campaigns are expensive. The cost of direct mail, radio, television and print advertising has risen dramatically over the years. Candidates seek resources from those who share their views to help cover these costs. Generally, candidates who espouse differing yet honestly held positions are equally well supported in their campaigns. And, generally, they are not beholden to any particular group or "special interest."

Measure 6 destroys this balance. By making millions of taxpayer dollars available to any group that can gather between 300 and 8,000 five-dollar contributions, Measure 6 will fund the campaigns of fringe candidates whom in all likelihood will not share your views. Talk about "special interests!"

A candidate for governor who raises a sufficient number of five dollar contributions from his or her mailing list can receive \$1,800,000.00 or more from taxpayers to spread a message. Lon Mabon and the OCA have a constitutional right to speak, but should they spread their campaign message with millions of dollars of our tax money? Radical environmental groups have equivalent free speech rights but should they tap millions of dollars of taxpayer money to disseminate their radical points of view?

Let them find others who are willing to support their views financially and with volunteer time.

Measure 6 will force you, through your tax dollars, to support candidates who broadcast messages which you may personally find abhorrent. Our campaign finance system is certainly not perfect. But the medicine prescribed by Measure 6 is much worse than the malady it seeks to cure. Please vote no.

*(This information furnished by John DiLorenzo, Jr.)*

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# Measure No. 6 Arguments

## ARGUMENT IN OPPOSITION

Dear Voter:

The authors of Measure 6 ask you to vote for 39 sections of new laws. These provisions are rife with opportunities for abuse and mischief. For instance, Sections 14 and 21 of the measure require any person who independently runs political advertisements that support or oppose a candidate to file notices with the candidates in the race and the Secretary of State reporting the amount of the expenditure. Section 14(2) then permits an opposing candidate for the same office to receive additional matching funds in the amount of the independent expenditure which is either made in support of his opponent or in opposition to him.

However, there is no effective way to determine who the independent expenditure was truly intended to support or oppose.

For instance, Smith and Jones may be opposing one another in a race. An unscrupulous person might truly support Smith, but spend \$20,000 on radio ads with the following message: "Vote for Jones. She supports a sales tax, it will be good for you." Well, that message is not likely to gain many votes for Jones and will probably persuade people to vote for Smith instead. Regardless, Smith will be entitled to an equivalent amount of money from the public fund to make up for the independent expenditure which was supposedly in favor of Jones. Jones will protest, but there will be little she can do before the election.

This is but one problem which immediately comes to mind following a review of the measure. Once the lawyers pick all 39 sections over, there will likely be many more.

I hope you share my view that taxpayer dollars should not be used to spread the messages of fringe "special interest" groups. But even if you don't share that philosophy, this measure is flawed. It will present many opportunities to the unscrupulous for abuse. In this case, the prescription is worse than the disease.

*(This information furnished by John DiLorenzo, Jr.)*

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## ARGUMENT IN OPPOSITION

Dear Voter:

This is the third part of my letter to voters in opposition to Measure 6. My first letter emphasized why Measure 6 would permit fringe political groups with mailing lists to qualify for millions of dollars of taxpayer funds to fund the campaigns of their special interest candidates and why you should strenuously object to your tax dollars being used to spread messages which you find abhorrent. The second letter pointed out an example of some of the opportunities for abuse which are present in this technical and lengthy measure. This third letter is written in an effort to point out how the measure will likely become a financial albatross.

The first responsibility of a new legislature is to pass a budget to meet the state's needs. But Measure 6 attempts to bind future legislatures to fund the campaigns of the multitudes of candidates who will seek public financing to disseminate their messages. In particular, section 17 of the measure provides that if the political accountability fund will not be balanced before the end of the biennium, the legislative assembly must appropriate sufficient funds to make up the difference. In addition, section 17(4) provides that each legislative assembly at a regular session occurring after 2001 based on a recommendation from the Secretary of State must appropriate an additional amount to the Fund for reasonable growth.

These provisions may likely be overturned by the courts. But if they are not, as the "free public money" available to special interests becomes irresistible, pressure will grow on the legislature to increase funding beyond the \$24 million limit.

As well intentioned as the authors may be, the mechanism which they prescribe will become a serious competitor to Oregon's more pressing needs like schools and public safety. The "cure" is worse than the ailment.

Please join with me in opposing Measure 6.

*(This information furnished by John DiLorenzo, Jr.)*

*(This space purchased for \$500 in accordance with ORS 251.255.)*

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# Measure No. 6 Arguments

## ARGUMENT IN OPPOSITION

### Are politicians Oregon's most needy citizens?

Read a newspaper, watch TV news, or listen to the radio and you'll find a regular list of things many Oregonians consider priorities for our state's resources:

- Public kindergarten – 12th grade education
- Road and highway maintenance and improvements
- The Oregon Health Plan that provides health care to the poorest Oregonians
- Proactive, citizen-based efforts to help the environment like the Oregon Plan
- Oregon's community colleges and universities
- Services to Families and Children
- Law enforcement and fire protection
- Water and sewer plant upgrades

It makes you wonder why the sponsors of Ballot Measure 6 want to spend up to \$24,000,000 every election cycle paying for political campaigns.

**Twenty four million dollars.** How many kids would that put through college? How many kids would that immunize from deadly diseases? How many teachers would that hire? How many fire fighters or police would that pay for? How many major road projects?

**Politicians don't need the money.** For example, Gov. Kitzhaber can't even run for another term, and yet he had \$136,000 left over in his campaign coffers last spring. Two candidates for state treasurer spent over \$200,000 in the primary election, **each**.

Ballot Measure 6 is an alleged solution to a problem that does not exist. All Oregonians have access to our political system as it is, from the family farmer in Medford, to the union pipe-fitter in Portland, to the small business owner in Bend. Worse than that, **Ballot Measure 6 will grab up to \$24 million dollars every election cycle from those who need it most, and put in the pockets of those who don't need it at all.**

The family farmers and ranchers of the Oregon Farm Bureau urge you to

**VOTE NO on BALLOT MEASURE 6.**

*(This information furnished by Dave Dillon, Oregon Farm Bureau.)*

*(This space purchased for \$500 in accordance with ORS 251.255.)*

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# Measure No. 7

Proposed by initiative petition to be voted on at the General Election, November 7, 2000.

## BALLOT TITLE

### **7 AMENDS CONSTITUTION: REQUIRES PAYMENT TO LANDOWNER IF GOVERNMENT REGULATION REDUCES PROPERTY VALUE**

**RESULT OF "YES" VOTE:** "Yes" vote requires state, local government pay property owner if law, regulation reduces property value.

**RESULT OF "NO" VOTE:** "No" vote rejects requiring government pay compensation if law or regulation reduces property value.

**SUMMARY:** Amends Constitution. Oregon Constitution prohibits taking private property for public use without just compensation. Oregon Supreme Court has not required compensation when property value merely reduced. Measure requires state, local governments pay landowner amount of reduction in market value if law, regulation reduces property value. Compensation required if owner must act to protect certain natural resource, cultural values or low income housing. Exemption for historically recognized nuisance laws or if owner sells alcohol, pornography, operates casino. Applies if regulation adopted after owner acquires property.

**ESTIMATE OF FINANCIAL IMPACT:** Direct costs to the state are estimated to be \$1.6 billion per year. Local government direct costs are estimated to be \$3.8 billion per year.

There is no state or local government revenue impact.

enforceable enactment of government; "real property" shall include any structure built or sited on the property, aggregate and other removable minerals, and any forest product or other crop grown on the property; "reduction in the fair market value" shall mean the difference in the fair market value of the property before and after application of the regulation, and shall include the net cost to the landowner of an affirmative obligation to protect, provide, or preserve wildlife habitat, natural areas, wetlands, ecosystems, scenery, open space, historical, archaeological or cultural resources, or low income housing; and "just compensation" shall include, if a claim for compensation is denied or not fully paid within 90 days of filing, reasonable attorney fees and expenses necessary to collect the compensation.

(f) If any phrase, clause, or part of this section is found to be invalid by a court of competent jurisdiction, the remaining phrases, clauses and parts shall remain in full force and effect.

## TEXT OF MEASURE

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OREGON:

THE CONSTITUTION OF THE STATE OF OREGON IS AMENDED BY ADDING THE FOLLOWING SUBSECTIONS TO SECTION 18 OF ARTICLE I:

- (a) If the state, a political subdivision of the state, or a local government passes or enforces a regulation that restricts the use of private real property, and the restriction has the effect of reducing the value of a property upon which the restriction is imposed; the property owner shall be paid just compensation equal to the reduction in the fair market value of the property.
- (b) For purposes of this section, adoption or enforcement of historically and commonly recognized nuisance laws shall not be deemed to have caused a reduction in the value of a property. The phrase "historically and commonly recognized nuisance laws" shall be narrowly construed in favor of a finding that just compensation is required under this section.
- (c) A regulating entity may impose, to the minimum extent required, a regulation to implement a requirement of federal law without payment of compensation under this section. Nothing in this 2000 Amendment shall require compensation due to a government regulation prohibiting the use of a property for the purpose of selling pornography, performing nude dancing, selling alcoholic beverages or other controlled substances, or operating a casino or gaming parlor.
- (d) Compensation shall be due the property owner if the regulation was adopted, first enforced or applied after the current owner of the property became the owner, and continues to apply to the property 90 days after the owner applies for compensation under this section.
- (e) Definitions: For purposes of this section, "regulation" shall include any law, rule, ordinance, resolution, goal, or other

7

# Measure No. 7

## EXPLANATORY STATEMENT

Ballot Measure 7 would amend the Oregon Constitution to require the state government and all local governments to pay private real property owners when a state or local government regulation restricts the use of real property and reduces its value. "Regulation" is defined as "any law, rule, ordinance, resolution, goal, or other enforceable enactment of government." "Real property" is defined to include "any structure built or sited on the property, aggregate and other removable minerals, and any forest product or other crop grown on the property."

The Oregon Constitution now prohibits taking private property for public use without compensating the owner for the value of the property. However, the Oregon Constitution does not require any payment when the value of property is reduced by a regulation that only restricts the use of private property.

Ballot Measure 7 requires payment to a landowner if an existing or future regulation is adopted, first enforced or applied after the current owner became the owner and still applies to the property 90 days after the owner seeks payment. The payment required is the difference in fair market value of the property before and after a regulation is applied. If a claim is denied or remains unpaid 90 days after the claim is made, "just compensation" would also include reasonable attorney fees and necessary collection expenses.

If Ballot Measure 7 passes, state and local governments will have a choice: pay owners of real property under the measure; repeal or change a regulation that is subject to the measure; or contest the application of the measure in court.

Ballot Measure 7 specifically identifies requirements to "protect, provide, or preserve wildlife habitat, natural areas, wetlands, ecosystems, scenery, open space, historical, archaeological or cultural resources, or low income housing" as regulations requiring payments to landowners. However, its stated coverage is broad enough to cover every regulation, with certain exceptions, that decreases the value of a real property by restricting its use.

Ballot Measure 7 makes exceptions for "historically and commonly recognized nuisance laws," for regulations required to implement federal law and for regulations that prohibit the use of a property for selling pornography, performing nude dancing, selling alcoholic beverages or other controlled substances or operating a casino or a gaming parlor. The measure directs that the nuisance law exception be construed narrowly to favor a finding that payment is required.

If passed, the amendment would take effect 30 days after the election.

**Committee Members:**

Larry George  
David Hunnicutt  
Tim Sercombe\*  
Randy Tucker\*  
George Joseph

**Appointed by:**

Chief Petitioners  
Chief Petitioners  
Secretary of State  
Secretary of State  
Members of the Committee

\*Member dissents (does not concur with explanatory statement)

*(This committee was appointed to provide an impartial explanation of the ballot measure pursuant to ORS 251.215.)*

# Measure No. 7 Arguments

## ARGUMENT IN FAVOR

**The Dolan family urges you to support Measure 7.**

In 1987, we asked the City of Tigard for permission to expand our plumbing store. The City agreed, but said they would not issue a building permit unless we gave them a portion of our property for a bike path.

We told the City that we would sell them the land they wanted for \$14,000 which was the fair market value of the land.

But the City said no, and told us that we would not get our permit unless we gave them our land for free.

We spent the next 10 years fighting the City over a \$14,000 strip of land. We went to the Oregon Land Use Board of Appeals, the Oregon Court of Appeals, the Oregon Supreme Court, the United States Supreme Court, and back down again.

Finally, after 10 years of fighting, the City had to buy our land and pay our attorney fees. The cost - **\$1.5 million of your taxpayer dollars.**

**That's \$1.5 million of taxpayer dollars for land that we would have voluntarily sold to them for \$14,000. What a waste.**

We support Measure 7 because it will cut down on endless litigation like ours. If Measure 7 would have been in place in 1987, the City would have purchased our land for \$14,000, instead of fighting us every step of the way and eventually wasting \$1.5 million of your hard earned tax dollars.

Please vote yes on Measure 7.

*(This information furnished by Dan Dolan.)*

*(This space purchased for \$500 in accordance with ORS 251.255.)*

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## ARGUMENT IN FAVOR

**If you are like most people, your home and property are the most valuable thing you own.**

That's why most people are very careful when they buy property. You check to make sure that you can use your land before paying for it. After all, you want to be sure that the property can be used for a home, business, or farm or whatever else you had in mind.

**But what happens when the government changes the rules after you purchase your land, and you can no longer use your property as you had planned? In most cases, you lose.**

Why? Because a court cannot award you money for the loss of the use of your land until you have submitted enough applications to the government to prove that your land has no value. In some cases, as many as 25 separate applications must be filed.

Each of these applications costs money - in many cases, the cost to submit the applications is more than the value of the property!

**In other words, you have to pay multiple application fees to the same government that changed the rules and took away all value of your property, just to get your day in court, and even if you win in court, you don't get your application fees back. What a ripoff.**

**Measure 7 will end this ridiculous game.** Rather than making a landowner submit application after application to the government, knowing full well that each application will be denied, Measure 7 sets up a simple process for making your claim for compensation.

If the government takes your land, they should pay you for it, and they shouldn't tie you up in red tape and outrageous fees just so you can have your day in court.

Please vote yes on Measure 7.

*(This information furnished by Bill Moshofsky, Just Compensation For Regulatory Takings Committee.)*

*(This space purchased for \$500 in accordance with ORS 251.255.)*

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# Measure No. 7 Arguments

## ARGUMENT IN FAVOR

### Protect Oregon's Family Farm Base and Schools

#### Rural Schools and Communities Depend on Property Values

Not only do farms and ranches depend on property values, local rural communities depend on the tax base to run local governments and local schools. When government takes private property values, everyone loses.

#### If it is Free, Then There is Unlimited Demand

Unfortunately, even though the Constitution requires compensation when government takes your land, some governments refuse to pay for what they take. They know that almost no landowner will have the money or stamina to fight a lengthy court battle just to recover the lost value of their land. Because there is little chance that their actions will be challenged, there are no consequences to taking land without paying for it.

#### We Need a Balance Between the Economy and Preservation

There are some Oregonians who want to stop all land uses on rural lands, and make Oregon one giant public park. We all cherish Oregon's public parks and beaches. But we also need to make sure that farmers, ranchers, and foresters have land to farm and harvest timber. These industries create jobs and tax revenue for struggling Oregon towns and cities.

By allowing government to preserve areas it wants to protect, and allowing other lands to be used, we strengthen our economy, and provide help for so many Oregonians in depressed areas.

#### Vote Yes on Measure 7

Measure 7 clears away government hurdles to compensation, and strikes a balance between the economy and preservation. A yes vote on Measure 7 will provide much needed relief for farmers and ranchers, and will strengthen the tax base in all Oregon communities.

*(This information furnished by Lawrence George, Oregon Family Farm PAC.)*

*(This space purchased for \$500 in accordance with ORS 251.255.)*

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## ARGUMENT IN FAVOR

### Treating people fairly is a foundation of our country.

If you are like most voters you know that government is required to pay you if they take your land - in fact, its required by the Constitution.

Most of the time, government complies with the Constitution and pays for what it takes.

**But sometimes, instead of paying for what it wants, government decides that it can simply adopt a law that makes it impossible for a landowner to use his land.**

This is like telling your neighbor he can't live in his house, and then offering to buy it from him at pennies on the dollar.

In order for a landowner to challenge a government regulation that takes away the value of his property, a landowner must fight a long and costly court battle. This is fine for large corporations or a few wealthy land barons.

But the thought of paying lawyers hundreds of thousands of dollars to fight a court battle for your home or land is too much for the average American family. Most people give up before they ever get started.

#### That's why Measure 7 is important.

**Measure 7 will guarantee that you are treated fairly by the government. If they want your land, that's fine, provided they pay you for it.**

Simple, understandable, and fair. That's what Measure 7 is all about.

Please vote yes on Measure 7.

*(This information furnished by Bill Moshofsky, Just Compensation For Regulatory Takings Committee.)*

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# Measure No. 7 Arguments

## ARGUMENT IN FAVOR

### Protect Family Farms - Vote Yes on Measure 7

Family farms form the heart of Oregon agriculture. Many of the foods you eat come from our farms.

Because we make our living off the land, it is vital to farmers that we can use our land for farming.

We don't fear our neighbor, who wants to live on his land, and we don't believe that the government should pass laws which artificially destroy the value of our neighbor's property so he has to sell it to us at a rock bottom price. We are farmers, but we aren't thieves.

But what we do fear are extremists who want to pass laws which would outlaw farming. These people have absolutely no idea about how we take care of our land, or what we do to make sure that we put healthy food on your table.

It seems that every year, we are fighting another attack on our livelihood in the legislature, in the courts, and through the administrative agencies.

That's why we support Measure 7. Measure 7 will help protect farmers from extremist attacks, so that we can continue to provide you with quality agricultural products at reasonable prices.

Please join us in voting yes on Measure 7.

*(This information furnished by Lawrence George, Oregon Family Farm PAC.)*

*(This space purchased for \$500 in accordance with ORS 251.255.)*

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## ARGUMENT IN FAVOR

### Oregonians In Action Asks You to Vote Yes on Measure 7

Measure 7 provides much needed protection for property rights, one of our most basic civil rights.

Measure 7 simply makes it clear that government must compensate property owners when regulations take away the right to use their property to provide public benefits. Unfortunately, some government regulators believe they can take away up to 95% of the use and value of private property without compensating the owner.

It's not fair to require individual property owners to bear burdens that the general public should bear. Also, it's not good policy for government to be able to confiscate private property without paying for it.

**Measure 7 will bring balance and realism to government regulatory policies.** It will force regulators to consider the impacts on property owners of imposing restrictions on the use of property before doing so.

Measure 7 will assure more tax revenues for schools and local government by protecting and increasing the value of property on the tax rolls.

Vote Yes on Measure 7

For more information on Measure 7 or on property rights, feel free to visit our website at [www.oia.org](http://www.oia.org) or call 503-620-0258

*(This information furnished by Frank Nims, Oregonians In Action.)*

*(This space purchased for \$500 in accordance with ORS 251.255.)*

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# Measure No. 7 Arguments

## ARGUMENT IN FAVOR

### Support Private Property Rights Vote Yes on Measure #7

#### Measure #7 does what is right!

Measure #7 sets-up a straightforward process to require government to pay landowners when its laws or regulations cause a drop in market value to their private property. Presently the Oregon Constitution states that state government must pay if it "takes" the title to private lands for the public's benefit. Today, however, "takings" law is so convoluted that there is little hope of compensation when government regulations cause the reduction in value of private property.

#### When is enough, enough?

For generations, Oregon ranchers have voluntarily provided beautiful landscapes and wildlife habitat for the public's benefit. When government requires additional overburdensome regulations that devalue these private lands, the landowner should not be required to continually absorb the economic loss. If the public wants to control private lands for their benefit, then the public should be willing to pay.

#### The Constitutional "Takings" Clause should not just be for big corporations

Years of litigation, the stress of court action, and financial impact on the family operation all create a devastating situation for the average rancher. The value of the disputed property may be as small as \$10,000, but the court costs for compensation can run in the hundreds of thousands – or even millions. Measure #7 allows every property owner to receive fair compensation, not only those who can afford the years and cost of litigation.

#### It will not cost state government budget busting dollars.

When the public (through government actions) wishes to restrict the use of private property, it must first determine an overwhelming public need. If such a need exists, then using taxpayer's money is justified. If there is no such need and there will be no "taking" then no public money will be spent, thus no cost to government.

**Measure #7 brings much needed balance and fairness to the process.**

**The Oregon Cattlemen's Association urge you to support Measure #7**

*(This information furnished by John V. Hays, Oregon Cattlemen's Association.)*

*(This space purchased for \$500 in accordance with ORS 251.255.)*

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## ARGUMENT IN FAVOR

### Oregon Grange

The Oregon State Grange Asks You To Vote Yes On Measure 7.

The Oregon State Grange is the largest grassroots, rural-based fraternal organization in the state with 246 local Granges.

Grange members believe that a fair and responsive state government is vital for good government, and that is why we are urging you to vote yes on Measure 7.

#### Protect Property Rights

Although the Constitution is clear that government shall compensate property owners when it takes private property, government has made the process nearly impossible for individual property owners to receive compensation.

Today, the process would force an individual property owner to take the state to federal court to receive compensation. It shouldn't cost hundreds of thousands of dollars in litigation fees to receive what is fair.

#### Protect Our Rural Economies

Our rural economies and our local governments' tax bases are dependent on the value of private property. In some local areas of the state, our rural economies are being undermined by state regulations that were clearly not designed for that local area. Measure #7 would require the state to evaluate the importance of the regulation as it applies to individual communities -- protecting our economies and the tax base that our local government and schools depend on.

Measure 7 is about fairness, common sense, and protecting private property rights. The Oregon State Grange urges your "Yes" vote on Measure 7.

*(This information furnished by Catherine Johnston, The Oregon State Grange.)*

*(This space purchased for \$500 in accordance with ORS 251.255.)*

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# Measure No. 7 Arguments

## ARGUMENT IN FAVOR

**“Why buy the cow when you can get the milk for free?”**

This has been the reasoning of politicians when it comes to your property. Every year government officials enact thousands of laws, rules and regulations that strip your property of its value (milk) while leaving you with the cost of maintaining the property (cow).

Measure 7 promises an end to this disingenuous practice.

Your property belongs to you, not the government. Whether a home or saving account, your property is the result of your hard work and effort.

We create governments to protect our freedoms. The right to own property is a fundamental freedom. People work for years to acquire property. When government officials enact regulations that strip a property of its value, they disregard our rights of ownership. No matter what you think of the goals behind such laws, it is wrong to trample the rights of innocent people to achieve them.

Measure 7 corrects this injustice. It serves to check the government's exercise of arbitrary power. By shifting the cost of regulations from the victims to the government, Measure 7 will make politicians think twice before wrecking lives and dreams with a pen stroke.

Government officials claim that Measure 7 will cost Oregon billions of dollars. Not true. There are no new costs involved at all, only a shift of existing costs to those responsible for creating them.

We all know that a fair society is one in which individuals are required to be responsible for their actions. The government should lead by example. Measure 7 will make sure it does.

It is time the politicians and bureaucrats paid for their milk.

Furnished by the Libertarian Party of Oregon

For more information call 1(800) 829-1992 or visit us online at [www.lporegon.org](http://www.lporegon.org)

The Libertarian Party is Oregon's third largest political party. Libertarians are fiscally conservative and socially tolerant, believing that government should be limited to protecting freedom while ensuring personal responsibility.

*(This information furnished by Eric Winters, Libertarian Party of Oregon.)*

*(This space purchased for \$500 in accordance with ORS 251.255.)*

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## ARGUMENT IN FAVOR

### MEASURE 7 BENEFITS TAXPAYERS

Oregon Taxpayers United is Oregon's foremost taxpayer watchdog organization. We oppose government waste and are responsible for billions of dollars in taxpayer savings. We also analyze ballot measures to determine their impact on taxpayers.

Opponents of Measure 7 have claimed the measure will cost state and local governments \$5 billion dollars per year by requiring them to justly compensate property owners when government regulations reduce the value of private property. **After careful consideration we have concluded that these claims are patently false.** In fact, the opposite is true.

Measure 7 will actually save the taxpayers money. Why? **Because when the restrictions government places on private property lower the value of that property, it generates less property tax revenue.** This forces other property owners to make up the difference.

The effect of Measure 7 would be the spreading of the tax burden over a wider base and a lessening of the pressure to increase property taxes on current property taxpayers. **Our research, the conclusions of which were confirmed by independent government studies, revealed that property taxes are currently paid on less than 23 percent of property in Oregon!**

The 23 percent currently paying property taxes are shouldering the burden for the 77 percent of the property not taxed. Currently, the government is taking additional private property off property tax rolls at an unbelievable rate. Each time they do so, it increases the pressure on the rest of us.

If the government's claim that they intend to keep an additional \$5 billion per year off the tax rolls is true, the result would be an increase of hundreds of millions of dollars in the tax burden borne by the rest of us – renters and homeowners alike.

**It is our conclusion, therefore, that claims that Measure 7 will cost taxpayers a lot of money are merely scare tactics designed to defeat a fair pro-taxpayer measure.**

**WE URGE A YES VOTE ON MEASURE 7!**

*(This information furnished by Becky Miller, Oregon Taxpayers United.)*

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# Measure No. 7 Arguments

## ARGUMENT IN OPPOSITION

**THE LEAGUE OF WOMEN VOTERS OF OREGON  
URGES YOU TO VOTE NO ON MEASURE 7**

The League of Women Voters of Oregon asks you to oppose Measure 7.

Measure 7 would amend Oregon's Constitution to require taxpayers to pay compensation to landowners for regulations which protect public health, safety, the environment -- Oregon's livability. Oregon's Constitution (as well as the U.S. Constitution) already has a provision requiring compensation for the "taking" of private property. Decisions as to what constitutes a "taking" are now made in court. The vagueness of the language of Measure 7 would add additional challenges to these decisions, still likely to be made in court.

**WOULD COST TAXPAYERS MILLIONS**

Both state and local government are affected by this measure. The estimated fiscal impact of this measure per year for all levels of government is an astronomic \$5.4 billion. The red tape quagmire created for both state and local governments in trying to determine whether the value of property has been reduced will be equally enormous, as will the resulting litigation costs.

Measure 7 would be effective retroactively. Landowners who have continuously owned property since before the date a regulation became effective, could claim compensation. Many large landowners and corporations in the state fall into that category.

**WOULD HAVE A CHILLING EFFECT ON OREGON'S LIVABILITY**

Given such significant costs, government could be reluctant to enforce existing regulations protecting farm and forestland, wildlife habitat, salmon and the health of Oregon's rivers. Vague language defining "nuisance laws" could lead to litigation and delayed enforcement. Measure 7 could force Oregon to stop enforcing basic safeguards that protect the health of our families, our neighborhoods and Oregon's environment. The chilling effect of having to prove that compensation is not required could be hazardous to Oregon's livability.

Measure 7 is not in the public's interest.

The League of Women Voters of Oregon urges you to vote NO on Measure 7.

*(This information furnished by Paula Krane, President, League of Women Voters of Oregon.)*

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## ARGUMENT IN OPPOSITION

What is the "fair market value" of a wetland?

**No on 7**

I caretake 50 acres of land near the Clackamas River. On this land is a wetland naturally replenished by rainfall and underground aquifers converging into a series of pools feeding into the Clackamas River. This river basin is confronted with the same kinds of problems found in other watersheds: deterioration of habitat, dams, the destruction of salmon runs, urban growth and development, mismanagement of agriculture and forest lands, and natural resource extraction; all in an ecological imbalance begging to be healed.

I am in court trying to prevent a proposed mining operation from intersecting the underground aquifer and drying up the wetlands where I live when they remove the aggregate from their adjoining land. From the very beginning the odds have been stacked in their favor. In Oregon, gravel mining is king and what regulations there are, for the most part protect the industry. Now, under Ballot Measure 7, even those regulations will work to reward mining operators who can show a reduction in their property values if they are forced to comply with "an affirmative obligation to protect, provide, or preserve wildlife habitat, natural areas, wetlands, ecosystems, scenery, open space, historical, archaeological or cultural resources, or low income housing." The language in this proposed law is far reaching.

The Department of Administrative Services estimates that Measure 7 will cost taxpayers \$5.4 billion a year. It is hard to comprehend what this means for all Oregonians and what the cost will be to our environment when we make the market value of just gravel deposits alone more important than wetlands and ecosystems? In the words of Henry David Thoreau:

**"And the cost of a thing is the amount of what I will call life which is required to be exchanged for it, immediately or in the long run."**

Vote No on 7

Lloyd Marbet  
Candidate for Secretary of State  
[www.marbet.org](http://www.marbet.org)

*(This information furnished by Lloyd Marbet.)*

*(This space purchased for \$500 in accordance with ORS 251.255.)*

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# Measure No. 7 Arguments

## ARGUMENT IN OPPOSITION

**Oregon Recreation & Park Association  
Oregon Park Association  
Oppose Measure 7**

The Oregon Recreation & Park Association and Oregon Park Association, organizations with over 500 professional members that provide park and recreation services throughout the state, strongly oppose Measure 7.

Measure 7 could cost Oregon taxpayers billions of dollars for questionable purposes. Taxpayers could be forced to spend vast amounts on litigation and court fees to determine exactly what this poorly written measure means.

Most parks and recreation services are provided by state and local governments. The severe cuts that could occur if this measure passes **would seriously harm services in every community in the state.** Recreation activities such as picnicking; tennis and basketball; baseball, softball, football and soccer; trails and playgrounds; open space and greenway preservation; skate parks; swimming pools; recreation and senior centers; after school recreation and arts programs could be severely affected by the budgetary triage which would occur if this measure passed.

Measure 7 goes too far and guts the intent of current land use laws in Oregon. **It will make the protection of water quality and wildlife habitat much more difficult, and it can take decision-making away from citizens and put it in the hands of lawyers.** No longer will communities or citizens in our neighborhoods be allowed to participate in the process of determining land use or how nearby properties are developed and utilized. Those decisions could be made through money-driven claims of self-serving individuals.

**Please reject measure 7 by voting "NO"**

**Oregon Recreation & Park Association  
Oregon Park Association**

*(This information furnished by Stephen A. Bosak, Oregon Recreation & Park Association, Oregon Parks Association.)*

*(This space purchased for \$500 in accordance with ORS 251.255.)*

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## ARGUMENT IN OPPOSITION

**Oregonians from across the state urge you to:  
Vote NO on Measure 7**

- **Measure 7 will cost Oregon taxpayers billions of dollars--** official estimates say it could cost as much as the entire state General Fund budget.
- **Measure 7 spends tax dollars to pay corporations and developers** simply for obeying the basic rules of our community.
- **Measure 7 could also overturn the rules that protect our state's forest and farmland,** and could eliminate local zoning laws that keep inappropriate industry at a distance from your home and your local school.

**Measure 7 costs too much.  
Measure 7 puts our quality of life at risk.  
Measure 7 doesn't belong in the Oregon Constitution.  
Vote No on 7.**

Commissioner Carol York, Hood River

Mary Sellin, Clatsop County

John Van Landingham, Lane County

Commissioner John J. Howard, Union County

Commissioner Linda Modrell, Benton County

Reverend Dr Marilyn Sewell, Multnomah County

**Because We Care about Oregon PAC  
Beverly Stein, Chair**

*(This information furnished by Beverly Stein, Because We Care About Oregon PAC.)*

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# Measure No. 7 Arguments

## ARGUMENT IN OPPOSITION

### OREGON BUSINESS ASSOCIATION OPPOSES MEASURE 7

#### MEASURE 7 THREATENS OREGON'S LONG-TERM ECONOMIC COMPETITIVENESS

Over the last decade Oregon companies have created thousands of family wage jobs and paid millions of dollars in taxes to support important public services. As a result, our state is enjoying a period of unprecedented prosperity. But this prosperity and the health of Oregon's economy are endangered by Measure 7.

#### POORLY DRAFTED MEASURE WILL LIKELY HARM BUSINESS

Measure 7 is poorly drafted and filled with unintended consequences. It will tie individuals and businesses up in court for years while lawyers sue trying to determine what the measure means. Businesses will have an extremely difficult time planning future investments and making investments in their existing businesses. If passed, the measure could result in a cost to state and local governments of \$5.4 billion per year, an amount equal to nearly 50% of the state's entire biennial General Fund budget.

#### MEASURE 7 THREATENS OREGON'S QUALITY OF LIFE

Oregon's environment and natural-resource base are among the top reasons our state has a healthy economy. By protecting the environment and preventing urban sprawl, Oregon has created a favorable climate for all kinds of businesses. If passed, Measure 7 will change the remarkably beautiful face of Oregon. It will effectively nullify the urban growth boundary, reduce property values in many areas, and as lawsuits pile up, force the federal government to step in and take control. This measure is anti-Oregon and strongly opposed by the Association.

The Oregon Business Association is the state's newest statewide business organization representing small and large businesses across the state. The Association urges you to keep this poorly-written measure out of Oregon's Constitution.

Tom Kelly  
Chair, Oregon Business Association

Lynn Lundquist, Former Oregon Speaker of the House  
President, Oregon Business Association

#### OREGON BUSINESS ASSOCIATION URGES A "NO" VOTE ON MEASURE 7

*(This information furnished by Tom Kelly, Chairman, Lynn Lundquist, President; Oregon Business Association.)*

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## ARGUMENT IN OPPOSITION

### GOVERNOR JOHN KITZHABER URGES YOU TO VOTE NO ON MEASURE 7

Dear Fellow Oregonians,

Ballot Measure 7 will cost Oregon taxpayers billions of dollars. Official estimates say it could cost as much as the entire state General Fund. And what would our tax dollars be spent on? Paying people simply to obey the basic rules of our state. Measure 7 could also overturn the rules that protect our farm and forest land, and overturn local zoning that keeps someone from putting an auto repair shop or fast food outlet next to your home.

In addition, Measure 7 is so poorly drafted and filled with unintended consequences it will likely tie Oregon businesses and individuals up in court for years. Something this expensive, this poorly written should not be made an amendment to our Constitution. I urge you to vote "no" on measure 7 this November.

#### KEEP OREGON'S ECONOMY AND ENVIRONMENT HEALTHY VOTE NO ON MEASURE 7

*(This information furnished by John Kitzhaber, M.D.)*

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# Measure No. 7 Arguments

## ARGUMENT IN OPPOSITION

**FORMER OREGON GOVERNORS  
MARK HATFIELD  
AND  
NEIL GOLDSCHMIDT  
SAY  
MEASURE 7 THREATENS OREGON'S ECONOMY  
AND ENVIRONMENT**

We have spent decades ensuring that Oregon maintains a thriving economy in the midst of natural beauty. Oregon's land use system which protects farm and forest land; the state's beach bill which opened every mile of beaches to the public; environmental protections for clean air and water; and the state's overall business climate -- all of these protections and more are threatened by Measure 7.

This Constitutional measure is so poorly drafted it will likely cost Oregon taxpayers billions of dollars. The official estimated costs of fully implementing Measure 7 are \$5.4 billion per year, an amount equal to 50% of the entire state general fund, which pays for important items like education and law enforcement.

Measure 7 threatens our state's healthy economy. Businesses require a stable regulatory system enabling them to make important investment decisions about their business. Measure 7 is filled with unintended consequences, and interpreting it will likely tie our state up in court for years making it difficult for business owners to make important decisions about the future of their companies.

Finally, Measure 7 would weaken our state's land use system and seriously reduce protections for farm and forest land across the state. We and many other Oregonians have fought long hours for farm and forest land protection and we should not let this measure threaten the natural beauty that makes Oregon a great place to live and do business.

**FORMER GOVERNOR NEIL GOLDSCHMIDT  
FORMER GOVERNOR MARK HATFIELD**

*(This information furnished by Mark Hatfield.)*

*(This space purchased for \$500 in accordance with ORS 251.255.)*

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## ARGUMENT IN OPPOSITION

**Oregon Police and Prosecutors Say  
MEASURE 7 ENDANGERS PUBLIC SAFETY**

State and local governments fund important elements of our public safety system including: state police, county sheriffs, state and local corrections facilities, crime prevention, drug abuse prevention activities, and our court system. Each of these elements plays a vital role in keeping our communities safe places to live.

Official estimates put Measure 7 costs to Oregon taxpayers at \$5.4 billion dollars per year. That is more than the state currently spends on all elements of our public safety system.

In addition to the enormous cost, if Measure 7 passes, state and local governments would likely be forced to cut important public safety programs. We have worked diligently over the past decade to make our communities safe places. We cannot afford to put this achievement at risk with this poorly written Constitutional measure.

**KEEP OUR COMMUNITIES SAFE  
VOTE NO ON 7**

Sheriff Ris Bradshaw  
Clackamas County

Sheriff Dan Noelle  
Multnomah County

Sheriff John Pardon  
Douglas County

Sheriff Stan Robson  
Benton County

*(This information furnished by Sheriff Dan Noelle.)*

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# Measure No. 7 Arguments

## ARGUMENT IN OPPOSITION

### PROTECT THE COLUMBIA GORGE VOTE NO ON 7

**The Columbia River Gorge is a national treasure that must be protected for our children and future generations. If passed, Measure 7 could steal this scenic treasure from our children or bankrupt the state. This is how:**

- Measure 7 would require the state to pay special interests to obey state and local laws that protects the Columbia River Gorge from rampant development, pollution, open-pit mining, or irresponsible clearcutting.
- Taxpayers may have to shell out millions of dollars to pay developers to comply with laws that protect the Gorge and keep our air and water clean.
- The result could be that these laws would not be enforced because we will not be able to pay the ransom to protect the Columbia River Gorge.

Think about your favorite place in the Gorge and the times that you have spent with friends and family at this special place. Now imagine it forever ruined because taxpayers couldn't afford to pay off developers and polluters. This could be the result if Measure 7 passes.

Whether you live in the Columbia Gorge or experience it through sightseeing, hiking, picnicking or fishing – whether you go to the Gorge often or just once in a while, it is very important to protect this priceless part of our natural heritage.

**One of the most important things that you can do this year to protect the Gorge is to vote "No" on Measure 7.**

**We urge you to vote "No" on Measure 7.**

#### ENDORSEERS:

Nancy Russell, founder, Friends of the Columbia Gorge  
Dr. John Reynolds, chair, Friends of the Columbia Gorge  
Dr. William Bell, Columbia Gorge Community College President,  
The Dalles  
Barbara and Robert Bailey, orchardists, The Dalles  
State Representative Chris Beck  
Former State Senator Dick Springer

*(This information furnished by Michael Lang, Friends of the Columbia Gorge.)*

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## ARGUMENT IN OPPOSITION

### Teachers and Educators urge you to VOTE NO on 7

The state is now responsible for funding 70% of school budgets for every school district, large and small, in the state. For the current school year 2000-01, the State Legislature allocated approximately \$2.4 billion for our schools.

Official estimates say Measure 7 will cost Oregon taxpayers \$5.4 billion dollars PER YEAR. That's an amount equivalent to nearly half of our state's General Fund and twice what the Legislature allocated for schools this year.

There is no simpler way to put it than this: Schools are our largest state expenditure and would likely suffer the greatest loss should this measure pass.

Oregon depends on our schools to educate and inspire our children. We cannot afford to put their education at risk with this poorly written Constitutional amendment.

### KEEP OUR SCHOOLS STRONG VOTE NO ON 7

**Oregon Education Association  
American Federation of Teachers -- Oregon**

*(This information furnished by Tricia Bosak, Oregon Education Assoc.)*

*(This space purchased for \$500 in accordance with ORS 251.255.)*

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# Measure No. 7 Arguments

## ARGUMENT IN OPPOSITION

### OREGON'S BUSINESS COMMUNITY URGES YOU TO VOTE NO ON MEASURE 7

As members of Oregon's business community, we are proud of our role making Oregon work. Over the last decade Oregon companies have created thousands of family wage jobs and paid millions of dollars in taxes to support important public services. Oregon succeeds when business, government and citizens can work in a partnership, creating an environment that makes our state a great place to live and do business.

As a result, our state is enjoying a period of unprecedented prosperity. But this prosperity and the health of Oregon's economy are threatened by Measure 7.

### MEASURE 7 WILL LIKELY HAVE SEVERE CONSEQUENCES FOR BUSINESS

Whatever the proponents of Measure 7 intended, the measure is so poorly written that it will tie us up in court for years. A stable, rational business climate that all businesses depend on for making investment decisions will be thrown out the window in exchange for years of costly court battles. If passed, official estimates say the measure would result in a cost to the state and local governments of \$5.4 billion per year, an amount equal to nearly 50% of the state's entire biennial General Fund budget which funds important services like education and health care.

Finally, Oregon's land use system has created a favorable business climate for many businesses in our state in addition to maintaining a high degree of livability for citizens. Proponents assert that this measure would eliminate urban growth boundaries, and we think this a bad idea. If passed, land use laws that protect farm and forest land as well as our state's rural character would be harmed.

Measure 7 is poorly written and has no place in Oregon's Constitution.

### VOTE NO ON MEASURE 7 BAD FOR BUSINESS. BAD FOR OREGON.

Northwest Environmental Business Council  
Oregon Business Association  
Brett Wilcox, Northwest Aluminum  
Bill Williams, Bear Creek Corporation  
Fred Miller, Portland General Electric  
Jim Johnson, Intel Corporation

*(This information furnished by Nik Blosser, Oregon Business Association.)*

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## ARGUMENT IN OPPOSITION

### NW STEELHEADERS

### VOTE NO ON 7

### IT HURTS FISH AND FISHERMEN

Anyone who cares about the future of fishing in Oregon should vote "NO" on Measure 7. The reason why is that Measure 7 will require Oregon taxpayers to pay developers and polluters to follow laws that protect our public resources, such as clean water and healthy fish runs.

### MEASURE 7 WILL BANKRUPT THE STATE

Measure 7 will cost Oregon taxpayers billions of dollars just to pay corporations and developers to obey basic rules that protect our quality of life, such as protecting fish habitat and maintaining access to Oregon rivers and lakes. The result will be that laws ensuring public access, protecting water quality and providing for healthy fish rules won't be enforced because taxpayers can't afford the ransom placed on these public resources.

### MEASURE 7 WILL REDUCE ACCESS

Measure 7 could overturn local zoning laws, opening up stream corridors to unregulated development. This will limit access to Oregon's best steelhead rivers and harm fish habitat.

### MEASURE 7 MEANS LESS FISH

Limits on logging and development along streams could be overturned. This would harm fish habitat and reduce fish runs. Rules ensuring instream flows for fish could not be enforced. No water? No fish!

**If you care about the future of fishing in Oregon,**

### VOTE NO ON MEASURE 7

### IT HURTS FISH AND FISHERMEN

Association of Northwest Steelheaders

*(This information furnished by Norman E. Ritchie, P.E., Association of Northwest Steelheaders.)*

*(This space purchased for \$500 in accordance with ORS 251.255.)*

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# Measure No. 7 Arguments

## ARGUMENT IN OPPOSITION

### STATEMENT IN OPPOSITION BY FORMER OREGON APPELLATE JUDGES

#### MEASURE 7 IS UNNECESSARY

The Oregon and U.S. Constitutions already protect the property rights of citizens by preventing the government from taking private property for public use without just compensation. State and federal courts have repeatedly ruled that such compensation is not warranted when a government regulation merely reduces the value of property, unless virtually all value is lost.

#### MEASURE 7 IS EXTREME

Measure 7 requires the government to pay property owners every time any single regulation, viewed in isolation, reduces property value by any amount, no matter how small. Moreover many regulations increase property values, but Measure 7 does not take this into account in calculating required payments. Measure 7 will cost Oregonians 5.4 billion dollars per year equal to the state's annual general fund budget. We can't risk putting something that expensive into Oregon's Constitution.

#### COSTLY COURT BATTLES

Measure 7 has numerous ambiguities that will lead to an avalanche of litigation due to the large amounts of money at stake.

- How is the market value determined?
- What does it mean that nuisances are to be "narrowly construed"?
- Are legal pharmaceuticals included in the definition of "controlled substances"?
- How will "net costs" be determined, and how will future increases in value as a result of a regulation be addressed?
- Does the measure require payment even to landowners who bought property knowing its use was restricted when the restriction is "applied", e.g., by the denial of a permit?

Betty Roberts  
Justice  
Oregon Supreme Court  
1982-1986

Jacob Tanzer  
Justice  
Oregon Supreme Court  
1980-1983

William L. Richardson  
Chief Judge & Judge  
Oregon Court of Appeals  
1976-1997

*(This information furnished by Betty Roberts.)*

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## ARGUMENT IN OPPOSITION

### Trustees and Staff of The Nature Conservancy Urge You to Vote NO on 7

#### MEASURE 7 THREATENS OREGON'S WILDLIFE

Oregon's quality of life includes a precious diversity of fish, wildlife, native plants and their habitats. As our population keeps growing, we must work to preserve Oregon's natural heritage for our children and grandchildren.

#### Measure 7 will make it impossible to protect Oregon's wildlife and their habitats for future generations.

By requiring that taxpayers reimburse property owners for so-called regulatory "takings," Measure 7 will shred Oregon's safety net for wetlands, streams, fish runs, wildlife habitats, parks and open spaces. This radical measure will lead to gridlock, endless court battles and enormous costs to taxpayers.

Today, 415 of Oregon's 3,773 identified plant and animal species – one in every nine – are at risk of extinction. To safeguard our natural heritage, we need a diversity of approaches, including purchase of critical lands, incentives for voluntary conservation, and even-handed regulations adopted through the democratic process.

Across Oregon, caring individuals, corporate leaders, farmers, ranchers, volunteers, non-profits, cities, counties and elected leaders are working hard to create solutions that balance private property rights with environmental protection. We won't always agree, but people of good will working together are the best hope for Oregon's at-risk fish and wildlife.

Measure 7 will make it impossible for Oregon citizens to fairly and effectively protect wetlands, streams, water quality and important wildlife habitats. Ironically, by allowing our environment to be despoiled, it will even reduce some property values.

#### Vote No on Measure 7

Trustees and Staff of The Nature Conservancy of Oregon:

Ron Berger  
Paulette Bierzychudek  
Brian Booth  
Ellis Feinstein  
Skip Freedman  
Brian Gard  
Robert G. Gootee  
Daniel D. Heagerty  
Tom Imeson  
Stephen E. Kantor  
Peter G. McDonald  
James T. Post  
Mary B. Ruble  
Patricia L. Wessinger  
Russell Hoeflich, Vice President and Oregon Director  
Catherine Macdonald, Director of Conservation  
Michael Powelson, Director of Agency Relations  
Carrie Walkiewicz, Director of Development

*(This information furnished by Russell Hoeflich, The Nature Conservancy of Oregon.)*

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# Measure No. 7 Arguments

## ARGUMENT IN OPPOSITION

### PROTECT OREGON'S COAST

#### VOTE NO ON 7

Oregon's shoreline and coastal region has been treasured by our citizens throughout our state's history. In Oregon, the beaches are reserved for all the people. We protect our dunes and estuaries, and are struggling to restore the salmon runs in our coastal rivers and the ecosystems of our coastal forests.

One victim of Measure 7 would be our cherished Beach Law, which keeps our entire shoreline open to the public. Passage of this measure could block off public access to many beaches by enabling private interests to claim large portions of our shore. Instead of our open beaches, we could see barriers, fences, "No Trespassing" signs and commercial development.

Measure 7 would hamper, if not completely destroy, the Oregon Salmon Plan and our promising efforts at watershed management. Compensating landowners for theoretical profits will make it too expensive to enforce responsible land use that protects aquatic habitat and Oregon's salmon. This could have an especially devastating economic impact on the coast's fishing and recreational industries.

Measure 7 would very likely thwart efforts to prevent development in hazardous areas prone to erosion, landslides, and flooding. And it could eliminate our ability to prevent landowners from destroying the natural shoreline by "armoring" it with sheets of concrete and rip-rap.

Nowhere is sprawling growth a greater problem than on the coast. Measure 7 would give us the choice of seeing Highway 101 turn into endless strip malls, and private gates blocking off access to Oregon beaches, or bribing landowners not to harm the public interest.

Oregon's coastal communities, conservation groups and responsible officials ask you to

#### VOTE NO ON 7.

Oregon Shores Conservation Coalition  
Oregon Chapter, Surfrider Foundation  
Kalmiopsis Audubon Society  
Cape Arago Audubon Society  
Citizens for Florence  
Citizens for Orderly Development, Curry County  
Columbia Deepening Opposition Group  
Lori Hollingsworth, Lincoln City Councilor  
Cheryl Thorp, Curry County Commissioner  
Doug Thompson, Astoria City Councilor

*(This information furnished by Phillip Johnson, Oregon Shores Conservation Coalition.)*

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## ARGUMENT IN OPPOSITION

### OREGON FAMILY FARMERS OPPOSE MEASURE 7

As family farmers and ranchers from every corner of Oregon, we respectfully ask our fellow Oregonians to VOTE NO ON MEASURE 7 to protect Oregon's farm, ranch, and forest land.

We are Oregonians who make our living by growing vegetables, fruit, grains, livestock, and trees. Oregon's land use planning laws, including farm and forest zoning, are what has protected our land from unchecked urban sprawl and rural development. These laws have been essential to maintaining the basic livelihood of thousands of families who earn their living in agriculture and have enabled Oregon's farms, nurseries, ranches, and forests to contribute billions of dollars to our state economy.

#### MEASURE 7 WOULD HARM OREGON FARMERS

Measure 7 would force taxpayers to pay hundreds of millions of dollars to developers and speculators—or simply stop enforcing the laws that protect our farm and forest land from being covered with subdivisions. The same goes for the laws that protect your own homes from inappropriate neighborhood development.

Either way, we all lose.

#### PLEASE VOTE NO ON MEASURE 7.

Bob & Barbara Bailey  
Cherries  
Wasco County

Gary L. Harris  
Onion & Carrot Seeds  
Jefferson County

Lois & Clif Kenagy  
Row Crops  
Benton County

Ambrose & Susan McAuliffe  
Cattle & Calves  
Klamath County

Dave & Ellen Vanasche  
Grass and Legume Seed  
Washington County

David & Diana Lett  
Wine Grapes  
Yamhill County

Jim Wood  
Cattle, Horses, Hay, Timber  
Crook County

J & T Farms  
Vegetable Seed, Grass Seed,  
Hay, Grain,  
Commercial Horse Stables  
Marion County

Michael & Susan McCarthy  
Pears, Apples, Hay, Timber,  
Cattle  
Hood River County

Jud & Diana Parsons  
Timber, Christmas Trees,  
Grass Seed  
Jackson and Marion Counties

Mark Tipperman  
Cattle, Timber  
Union County

Donald Logan  
Christmas Trees, Hay, Timber  
Washington County

Jim Monroe  
Sheep, Timber  
Linn County

*(This information furnished by Diana Parsons, Hill Crest Orchards.)*

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# Measure No. 7 Arguments

## ARGUMENT IN OPPOSITION

### Measure 7 Would RUIN the Oregon We Love!

Oregon has the nation's strongest program to manage its growth.

It protects farmland and forestland. It curbs wasteful, sprawling development of endless strip malls that cause traffic congestion. It helps guarantee public beaches and makes more affordable housing available.

Measure 7 would lock into Oregon's Constitution a dangerous, costly requirement that could force lawmakers to REPEAL the laws that protect our communities and our quality of life.

**"[Measure 7 author Stu Miller] suggested urban growth boundaries might be scrapped, because they limit development..."**

*Salem Statesman Journal, 7/27/00*

Measure 7 radically weakens our state's land use laws. It would drastically reduce protections for farm and forest land across the state, and increase unplanned urban sprawl.

### Measure 7 Threatens Neighborhoods and Property Values

Measure 7 is so poorly drafted that if it passed, existing neighborhood zoning could be thrown out, and your neighbor could be allowed to put something next door to you that lowers your property value, like a junkyard, an auto repair shop, a fast food outlet, or a convenience store.

### LOVE OREGON? VOTE NO ON 7

- Friends of Douglas County
- Jackson County Citizens League
- Citizens for Orderly Development (Curry County)
- Friends of Linn County
- Alliance for Responsible Land Use in Deschutes County
- Friends of Benton County
- Oregon Shores Conservation Coalition
- Friends of Yamhill County
- Friends of Marion County
- Hood River Valley Residents Committee
- Friends of Eugene
- Citizens For Florence
- Friends of Bend
- Columbia County Citizens for Orderly Growth
- Friends of Polk County
- 1000 Friends of Oregon

[www.NoOn2and7.com](http://www.NoOn2and7.com)

*(This information furnished by Robert Liberty, 1000 Friends of Oregon.)*

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## ARGUMENT IN OPPOSITION

### OREGON NURSERY OWNERS AND OPERATORS OPPOSE MEASURE 7

**As owners and operators of nurseries, we urge you to VOTE NO ON MEASURE 7 so our industry can continue to thrive and provide jobs for Oregonians.**

Nurseries in Oregon are mostly small, owner-operated firms, but our industry is making a big contribution to our state's prosperity. Oregon's fast-growing nursery industry is now the largest contributor to our state's \$3.5 billion agricultural economy. In 1998, Oregon trailed only California and Florida in total horticultural production, with a record \$532 million in sales—an increase of 8% over 1997.

Unlike many other agricultural commodities, most of Oregon's nursery products are grown in counties that also have large urban populations. The top five nursery producing counties in the state are Marion, Clackamas, Washington, Yamhill, and Multnomah Counties.

By protecting our industry's land base from uncontrolled urban sprawl, Oregon's land use and farmland protection laws have enabled nurseries to flourish, even in the face of rapid population growth. These laws have been essential to maintaining the basic livelihood of thousands of Oregonians who earn their living in nurseries and other agricultural operations.

### MEASURE 7 WOULD HARM OREGON'S NURSERY INDUSTRY

Measure 7 would force taxpayers to pay hundreds of millions of dollars to developers and speculators—or simply stop enforcing the laws that protect the land our nursery operations need if they are to continue contributing to our state's economy. Either way, we all lose.

**Don't put this costly and destructive measure in Oregon's Constitution.**

### PLEASE VOTE NO ON MEASURE 7.

- |                          |                    |
|--------------------------|--------------------|
| Alice Doyle and Greg Lee | Bob Iwasaki        |
| Log House Plants         | Nurseryman         |
| Cottage Grove            | Washington County  |
| Susan Anderson           | Rod Park           |
| Anderson Gardens         | Park's Nursery     |
| Hillsboro                | Gresham            |
| Drew Hunter              | Marcus Simantel    |
| Nursery Operator         | Retired Nurseryman |
| Salem                    | Portland           |
| Jim Gilbert              |                    |
| Northwoods Nursery       |                    |
| Molalla                  |                    |

*(This information furnished by Alice Doyle.)*

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# Measure No. 7 Arguments

## ARGUMENT IN OPPOSITION

I am writing to ask you to please join me in voting NO on Measure 7. This irresponsible measure endangers the financial stability of our state, threatens our healthy economy, and restricts our ability to fund essential state and local projects and services.

**This measure is bad for Oregon, and it does not belong in our Constitution.**

As Oregon's chief financial officer, I am responsible for the prudent management of the state's financial resources. Part of that responsibility is to protect Oregon's credit rating, which allows the state to issue bonds to fund a variety of important public needs, from new school construction and road maintenance to health care facilities and affordable housing.

The price tag of this measure is staggering. In addition to \$3.8 billion in local government costs, the potential cost to the state is \$1.6 billion a year—more than 30% of Oregon's annual general fund budget. For this reason, Measure 7 would likely damage the state's credit rating, costing Oregon taxpayers millions of dollars and limiting the number of projects that can be funded.

**Estimates show that a single drop in the state's credit rating would cost Oregonians more than \$400 million in increased interest costs on money used to build and maintain needed projects. That is money that we could be spending on education or health care.**

Aside from the serious financial ramifications, Measure 7 is so ambiguous and poorly drafted that it could be tied up in court for years, leading to unnecessary court costs, further financial uncertainty and a delay in funding critical projects and services that many Oregonians rely on.

**Measure 7 will cost Oregon taxpayers hundreds of millions of dollars, and we will receive nothing for our money. We should spend our money on services that will benefit all Oregonians.**

Please join me in voting NO on Measure 7.

**Jim Hill  
State Treasurer**

*(This information furnished by Jim Hill, Oregon State Treasurer.)*

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## ARGUMENT IN OPPOSITION

**Oregon Chapter of the American Planning Association**

It's no accident that Oregon's still a beautiful place to live. For more than a century, Oregonians have worked to protect our land from urban sprawl and uncontrolled development. But Measure 7 would undo all that. It's a full-scale assault on Oregon's land and environment – and on our pocketbooks.

Measure 7 is retroactive. It would require taxpayers to pay landowners for complying with laws passed decades ago.

For example, suppose a big corporation bought a thousand acres of forestland along the Willamette River in 1960. The company managed timber there for 40 years quite profitably. But today it wants to cut all the trees, subdivide the land into small lots, and sell them for development. Right now, several laws would prevent that. Land-use laws prohibit subdivisions in forest zones. The Forest Practices Act requires replanting after timber is cut, and it prohibits tree-cutting along riverbanks. The Willamette River Greenway limits development along our state's largest river. But under Measure 7, the corporation could argue that those laws have reduced the value of its property. It could file a claim (no matter how exaggerated) for millions of dollars. The agencies that administer those laws would face a terrible choice: pay the claim (**using your tax dollars!**), or don't enforce the laws.

Either way, Oregonians would lose with Measure 7. If all the claims for "lost value" were paid, millions of tax dollars needed for schools, roads, and police would go to timber companies, corporate farms, and land speculators instead. If such claims were not paid, the laws that protect our land would not be enforced. The result would be new shopping centers on farmland; subdivisions along our wild rivers and streams; billboards along scenic highways; a crush of condos on coastal beaches.

Oregon doesn't need welfare for developers. We do need to protect our land from sprawl and speculation.

**Vote "No" on Measure 7.**

*(This information furnished by Joe Landry, Oregon Chapter of the American Planning Association.)*

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# Measure No. 7 Arguments

## ARGUMENT IN OPPOSITION

### MEASURE 7 WILL HARM THE HEALTH AND SAFETY OF OUR FAMILIES AND COMMUNITIES

Concerned about your health and the health of your children? Of course you are. But a poorly drafted initiative could have unintended effects that would be extremely harmful to all of us.

#### Measure 7's Overwhelming Costs Will Drain Funding from Health Care

Measure 7 would impose massive new costs on Oregon taxpayers – for more bureaucratic red tape. The cost to state and local governments – an estimated \$5.4 billion a year or the equivalent of Oregon's annual budget – would gut our ability to run important programs like the Oregon Health Plan.

#### Measure 7 Will Derail Critical Health and Safety Rules

Measure 7 would also sabotage protections for your health, home and neighborhood. Taxpayers would be required to pay property owners to comply with important laws that safeguard our health – or we would have to simply stop enforcing the laws that protect us.

#### Health Regulations that Could Become Impossible to Implement or Enforce if Measure 7 Passes Include:

- laws that protect children and nonsmokers from secondhand smoke
- rules that protect drinking water quality
- rules to prevent cancer-causing pesticides from being sprayed near schools or neighborhoods
- building safety codes
- worker safety regulations
- standards that ensure the safety of our food

**This harmful measure should not be in Oregon's Constitution.**

**Protect Your Health. Vote No on Measure 7.**

Eric Dover, MD, Portland  
 William Morton, MD, Portland  
 David Fitchett, MD, Albany  
 Mary Ellen Coulter, MD, Bend  
 Thomas Ewald, MD, Ashland  
 Craig Mather, MD, Ashland

*(This information furnished by Caroline Fitchett, Oregon Community Protection PAC.)*

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## ARGUMENT IN OPPOSITION

### SALMON FOR ALL URGES A NO VOTE ON MEASURE 7

#### The Costs are Too High

Measure 7 is the most expensive measure on the ballot. With a fiscal impact of 5.4 Billion dollars annually – the same as Oregon's General Fund budget – its impact to local communities and the state will be devastating. **And the measure is retroactive – benefiting many large landowners and out of state corporations.** Something this expensive deserves more deliberation and consideration than this.

#### Measure 7 HURTS OREGON SALMON

The high price tag of Measure 7 will ensure many important salmon enhancement programs will likely go unfounded.

Here are just a few examples:

- Oregon Salmon Plan
- Select Area Fisheries
- Watershed Enhancement Programs

#### Measure 7 HURTS OREGON'S FISHERMEN

Measure 7 will divert funds from important salmon habitat restoration programs and Select Area Fishery programs that benefit the salmon and the fishermen. This measure will move these funds into the hands of wealthy landowners and corporations.

#### Measure 7 TOO EXPENSIVE FOR OREGON'S CONSTITUTION

Measure 7 is filed with unintended consequences that will tie us up in court for years. It's a full employment act for lawyers. Something this poorly written and expensive doesn't belong in Our Constitution.

### SALMON FOR ALL URGES YOU TO VOTE NO ON 7

#### Salmon for All

*(This information furnished by Lovenia Warren, Salmon for All.)*

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# Measure No. 7 Arguments

## ARGUMENT IN OPPOSITION

### MEASURE 7 WILL GUT OREGON'S CLEAN WATER AND CLEAN AIR SAFEGUARDS

Measure 7 may be the most dangerous and misleading initiative ever placed before Oregon voters. It is an assault on your right to protect your neighborhood and family from pollution.

#### Environmental Blackmail

Don't be misled into thinking Measure 7 is just about "land." It's so poorly written that our tax dollars could go to polluters just to enforce clean water and clean air safeguards.

Measure 7 won't protect your property – it hurts it. Measure 7 is written to look only at the property of a landowner denied a particular use who sues for payment. It doesn't look at the impact on neighbors.

We'd have to pay a toxic waste dump not to locate in a neighborhood if the corporation building the dump could make more money that way than by building homes. Yet, Measure 7 would not pay a dime to nearby homeowners for the loss they'd suffer.

This is an extreme example. There are hundreds of other examples where tax dollars would flow to polluters just to protect our right to a clean environment. That's wrong.

#### Costly to Taxpayers

The real purpose behind Measure 7 is to make it too expensive to enforce environmental laws. It would be locked into our Constitution so the Legislature couldn't fix it. Faced with billions of dollars in costs for lawsuits and payments – possibly as high as the state's entire budget – the Legislature would have no choice but to make safeguards voluntary. And that's what polluters really want.

Your taxes would go to pay off big polluters to obey basic environmental and safety laws; it's like paying criminals not to rob banks.

**The possible ways of wasting your tax dollars are endless – and bottomless.**

**Protect clean water and air – and your pocketbook.  
Vote NO on Measure 7.**

Oregon Environmental Council	Columbia Riverkeeper
Oregon League of Conservation Voters	Tualatin Riverkeepers
Sierra Club	Willamette Riverkeeper

*(This information furnished by Jeff Allen, Oregon Environmental Council.)*

*(This space purchased for \$500 in accordance with ORS 251.255.)*

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## ARGUMENT IN OPPOSITION

### OREGON CHAPTERS OF THE AUDUBON SOCIETY URGE YOU TO VOTE NO ON MEASURE 7

#### Should Oregon Taxpayers Pay Billions To Developers To Obey The Law?

Ballot Measure 7 will cost Oregon taxpayers billions of dollars—official estimates say it could cost as much as \$5.4 billion per year.

And what would our tax dollars be spent on? Paying corporations and developers simply to obey the basic rules of our community, including environmental laws. Measure 7 could erase the rules that protect our rivers, streams, wetlands, and forests, and overturn local zoning that keeps someone from destroying important fish and wildlife habitat areas along waterways near your home.

#### Should We Amend Oregon's Constitution So Lawyers Control Our Quality Of Life?

Measure 7 is so poorly drafted and filled with unintended consequences it will tie us up in court for years and be a full employment act for lawyers. Something this expensive, this poorly thought out should not be in our constitution.

#### Measure 7 Will Threaten The Rules That Make Oregon A Special Place That Is Safe, Fair And Livable.

Oregon's citizens value our state's wildlife, wild places and quality of life. The supporters of Measure 7 know the price of everything and the value of nothing. Measure 7 will cost billions in tax dollars and will give power over our health, safety, fish and wildlife, scenic resources, wetlands and streams to special interests, out-of-state corporations and politicians.

If Measure 7 passes, we lose our ability to keep our communities good places to live for both wildlife and people.

#### WE URGE YOU TO VOTE NO ON MEASURE 7.

Audubon Society of Corvallis  
Audubon Society of Portland  
Cape Arago Audubon Society  
Central Oregon Audubon Society  
Columbia Gorge Audubon Society  
Kalmiopsis Audubon Society  
Lane County Audubon Society  
Rogue Valley Audubon Society  
Salem Audubon Society  
Siskiyou Audubon Society

*(This information furnished by Ron Carley, Audubon Society of Portland.)*

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# Measure No. 7 Arguments

## ARGUMENT IN OPPOSITION

**Congressman Earl Blumenauer urges you to  
VOTE NO on 7**

Oregon has been a national leader in land use, environmental protection and health care. This innovation has required creative and even courageous legislation and leadership. Our entrepreneurial spirit and record of accomplishments are seriously threatened by Ballot Measure 7.

Measure 7 will cost Oregon taxpayers billions of dollars -- official estimates say it could cost as much as \$5.4 billion PER YEAR, an amount nearly equal to the entire state General Fund. And what would our tax dollars be spent on? Paying corporations and individuals simply to obey existing laws. Measure 7 could also overturn the rules that protect our forest and farmland, eliminate urban growth boundaries, and overturn local zoning that keeps someone from putting an auto repair shop or convenience store next to your home.

Measure 7 is so poorly drafted and filled with unintended consequences it will tie us up in court for years and be a full employment act for lawyers. Something this expensive, this poorly thought out should not be made an amendment to our Constitution.

Please join me in voting NO on 7 so we can keep Oregon a great place to live.

**Vote NO on 7. It's Anti-Oregon.**

Earl Blumenauer  
Member of Congress

*(This information furnished by Earl Blumenauer.)*

*(This space purchased for \$500 in accordance with ORS 251.255.)*

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## ARGUMENT IN OPPOSITION

**MEASURE 7 WOULD HURT SENIORS—  
AND ALL OREGONIANS  
IT DOESN'T BELONG IN OREGON'S CONSTITUTION**

By requiring taxpayers to pay property owners for obeying laws that protect the public, Measure 7 would have devastating effects on Oregon. The measure costs too much, mucks ups the constitution and harms senior citizens.

### HIGHER TAXES

- The state estimates this measure would cost **\$5.4 BILLION EVERY YEAR—more than any other measure on the ballot**—if we continued to enforce basic laws. This is as much as **Oregon's entire general fund budget—OVER \$1,500 PER OREGONIAN.**

And for what? To pay corporations and developers to obey the law.

### CUTS IN HEALTH CARE AND OTHER CRITICAL SERVICES

- Unless the Legislature raised new taxes, it would be **forced to make severe cuts in programs that benefit seniors.** The Oregon Health Plan would likely see funding decrease dramatically, as would many other senior services:
  - Transportation services for seniors
  - Affordable housing

### DECLINING PROPERTY VALUES

- Because it would weaken or eliminate enforcement of key community protection laws—**like basic residential zoning, which prevents an auto repair shop or fast food outlet from being built next to your home**—Measure 7 would expose seniors and other Oregon homeowners to **eroding property values and quality of life** due to incompatible or excessive development of neighboring properties.

**VOTE NO ON MEASURE 7. IT HURTS SENIORS.**

United Seniors of Oregon  
Oregon Advocacy Coalition of Seniors and People with Disabilities  
Oregon State Council of Senior Citizens  
Portland Gray Panthers

*(This information furnished by Jim Davis, Oregon Advocacy Coalition of Seniors & People with Disabilities, Portland Gray Panthers.)*

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# Measure No. 7 Arguments

## ARGUMENT IN OPPOSITION

### VOTE NO on 7

As a practicing physician on the Oregon coast I am concerned about any effort to compromise government regulations protecting Oregonians from pollution and toxic materials exposure, and as an environmentalist I am concerned about any attempt to dilute or negate environmental protections.

Ballot Measure 7 makes no sense. Not only is the projected annual price tag of 5.4 billion dollars a clear budget buster, but it also forces the state to pay landowners not to pollute or release toxic materials, not to destroy riparian areas and create soil erosion, not to destroy wildlife and wildlife habitat, not to violate local zoning ordinances or land use planning objectives, if any such restrictions are perceived as decreasing the market value of that property or corporate asset. In essence it allows a landowner to announce an intention to do something detrimental to the greater needs of society and then the state would have to decide whether to ignore vital social and environmental concerns by allowing the offensive action, or come up with the money to pay off the landowner.

Such important policies as land use planning, Oregon's open beach law, the Oregon Plan for Salmon Recovery, reforms of Oregon's Forest Practices Act, state wildlife management plans and restrictions on air and water pollution all would fall victim to this initiative.

Ballot measure 7 takes an extremist view emphasizing property rights and ignoring the fact that with rights come responsibilities. So frequently actions taken on one's property have impacts far beyond that property's boundaries, and the rest of society impacted by those actions have rights too. Protecting those rights is the purpose of government regulations. It is only common sense that nobody should expect to be paid not to do harm. Measure 7 must be rejected as a fiscally irresponsible extremist view that totally misses the point of the real meaning of stewardship of the land.

Raymond P. Nolan, M.D., Ph.D.  
Coos Bay, Oregon

*(This information furnished by Raymond P. Nolan, M.D., Ph.D.)*

*(This space purchased for \$500 in accordance with ORS 251.255.)*

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## ARGUMENT IN OPPOSITION

### LOCAL ELECTED OFFICIALS OPPOSE MEASURE 7

#### MEASURE 7 IS A RAID ON LOCAL TAXPAYERS

Measure 7 masquerades as a "fairness" measure, but instead establishes unfair standards for paying compensation to special interests. The official estimate is that passage of Measure 7 will create an ANNUAL COST of \$3.8 billion for local governments and \$1.6 billion for state government. Where would we get the money to pay those enormous costs? YOUR TAX DOLLARS!

This "annual cost" includes only the costs of actual compensation, not the costs of determining how much compensation must be paid. The supporters of this measure argue that all local governments have to do is to either pay the bill received from the property owner or repeal the regulation. WOULD YOU PAY A BILL IF YOU WEREN'T SURE YOU OWED IT? NEITHER WOULD WE! That means we'd have to hire new property assessors and lawyers to assure we don't overpay. How can we keep your tax bills low when Measure 7 forces us to build a BRAND NEW BUREAUCRACY?

Measure 7 is so POORLY WRITTEN that it's unclear which laws and regulations would be affected. Measure 7 could require us to pay your tax dollars to: allow access to public beaches; companies to follow mining requirements; builders to follow building code or seismic requirements.

Measure 7, if passed, will likely lead to HUGE COSTS THROUGH NEW TAXES, ANOTHER NEW BUREAUCRACY, MORE UNNECESSARY RED TAPE AND YEARS OF COSTLY COURT BATTLES.

#### MEASURE 7 IS NOT FAIR TO TAXPAYERS – VOTE NO ON 7!

Todd Kellstrom, Mayor, City of Klamath Falls  
Mike Swaim, Mayor, City of Salem  
Robert E. Ramig, Mayor, City of Pendleton  
Susan Roberts, Mayor, City of Enterprise  
Susan Reid, City Councilor, City of Ashland  
Helen Berg, Mayor, City of Corvallis  
Charlotte Lehan, Mayor, City of Wilsonville,  
Jim Young, Mayor, City of Bend  
Mary Nicholson, Mayor, City of Milton-Freewater  
Association of Oregon Counties

*(This information furnished by Mary Nicholson.)*

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# Measure No. 7 Arguments

## ARGUMENT IN OPPOSITION

"Lawyers will love this."

"This will be tied up in courts for years."

"They should call this 'The Full Employment Act for Lawyers'."

**Not much of an endorsement for a ballot measure, is it?** Yet these are the kinds of comments people are making about Ballot Measure 7, the so-called "takings" measure.

Measure 7 would amend the Oregon Constitution – here we go with that again – to require that the public compensate property owners whenever a regulation reduces a property value. The "public," of course, is us - the Oregon taxpayers.

This Bill Sizemore-authored initiative may sound OK at first blush. There are three key questions to ask before you cast a vote: what does it really mean, and how much will it really cost, and who really benefits?

Measure 7 means, in the simplest of terms, we would be using tax dollars to pay landowners and developers for merely obeying the basic rules of zoning, air and water pollution safeguards and protection of wetlands and wildlife habitat. The measure applies statewide, although it is really aimed at Metro and the Portland area.

How much would it cost? Official estimates are in the \$5 billion range. Passing this measure would force Oregonians into a no-win situation: we can pay out billions of dollars in "compensation" to special interests, or we can simply stop enforcing basic safeguards that protect Oregon's unique quality of life.

Who benefits? That's easy – large landowners, developers, and anyone else that is required to meet zoning, environmental and open space laws.

**The cost and consequences of Measure 7 make this an easy choice: Just Say 'No!'**

**Join us and Vote NO! On Measure 7.**

**Mary Botkin, Oregon AFSCME Council 75  
Tim Nesbitt, Oregon AFL-CIO  
Rich Peppers, Oregon Public Employees Union**

*(This information furnished by Don Loving, Oregon AFSCME Council 75.)*

*(This space purchased for \$500 in accordance with ORS 251.255.)*

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## ARGUMENT IN OPPOSITION

### **Advocacy Coalition for Seniors & People with Disabilities Oppose Ballot Measure 7**

The Advocacy Coalition for Seniors and People with Disabilities strongly oppose Ballot Measure 7. We are a statewide organization that seeks to ensure quality services and adequate funding for programs that are essential to the quality of life and health of some of Oregon's most vulnerable citizens, our senior citizens and people with disabilities.

- .Ballot Measure 7 simply is too costly. Legislative fiscal impact statements estimate the cost to be approximately 5.4 billion dollars. That price tag is equivalent to our state's entire budget.
- Ballot Measure 7 is extreme, poorly written, and will be subject to lengthy and expensive lawsuits
- Land use policies encompass protections for senior citizens and people with disabilities needing affordable, accessible housing. We want to keep those protections in place.

Oregon is a good place to live. Our public services and quality of life is threatened by measures such as this. It doesn't belong in our Constitution and it doesn't belong in Oregon. **Please join us in voting NO on Measure 7.**

Ruth McEwen-Co-Chair, Advocacy Coalition

*(This information furnished by Ruth A. McEwen, Advocacy Coalition for Seniors and People with Disabilities.)*

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# Measure No. 8

Proposed by initiative petition to be voted on at the General Election, November 7, 2000.

## BALLOT TITLE

### **8 AMENDS CONSTITUTION: LIMITS STATE APPROPRIATIONS TO PERCENTAGE OF STATE'S PRIOR PERSONAL INCOME**

**RESULT OF "YES" VOTE:** "Yes" vote limits state appropriations to 15 percent of state's personal income in prior biennium.

**RESULT OF "NO" VOTE:** "No" vote leaves constitution without limit on appropriations for state government expenditures.

**SUMMARY:** Amends constitution. Constitution requires legislative appropriation before spending state, federal funds in treasury; does not limit appropriations. Statute limits growth rate of appropriations for general governmental purposes. Measure limits biennial state appropriations to 15 percent of state's personal income in prior biennium. Exempts most appropriations funded by state-issued bonds. Would have required over \$3.7 billion cut in current biennium's appropriations. Increasing limit requires Governor's emergency declaration, 3/4 approval of each legislative house. Distributes revenues over limit (except from dedicated investment funds) to taxpayers.

**ESTIMATE OF FINANCIAL IMPACT:** The measure will reduce state government appropriations by an estimated \$5.7 billion for the 2001-2003 biennium.

The measure may result in a reduction of state-shared state and federal revenues to local governments.

## TEXT OF MEASURE

Be it enacted by the people of the State of Oregon:

**PARAGRAPH 1.** The Constitution of the State of Oregon is amended by creating a new section 1d to be added to and made a part of Article IX, such section to read:

**SECTION 1d. (1)(a)** Appropriations for state government expenditures in each biennium shall not exceed an amount which is 15 percent of the state's personal income, except as provided in subsection (b) and (c) of this section. For purposes of this section, this state's personal income is total personal income for the two calendar years ending before the beginning of the biennium, as computed by the Federal Government.

(b) The limitations of this section shall not apply to appropriations funded by revenues from the issuance of bonds by the state. Appropriations to pay principal and interest on all state debt and appropriations funded by revenues from all other instruments of debt, are subject to the limitations of this section.

(c) Only after a declaration of emergency by the Governor, the Legislative Assembly, by a three-fourths majority vote in each house of all members elected to each house, may enact legislation increasing for a biennium the appropriation limits established by this section.

(d) The limitations of this section shall apply to state government appropriations commencing with the biennium beginning in 2001.

(2) Notwithstanding any other provision of this Constitution, revenues, other than earnings from dedicated investment funds, received by the state in a biennium that are in excess of the appropriation limits established by this section, shall be distributed to taxpayers who paid state income taxes attributable to tax

years ending in the biennium, in proportion to the amount each taxpayer paid. This distribution shall not be counted as an appropriation for purposes of this section.

**PARAGRAPH 2.** If any portion, clause, or phrase of the new section 1d of Article IX is for any reason held to be invalid or unconstitutional by a court of competent jurisdiction, the remaining portions, clauses, and phrases of the new section shall not be affected but shall remain in full force and effect.

## EXPLANATORY STATEMENT

Ballot Measure 8 would amend the Oregon Constitution by linking the rate of growth of state government spending to the rate of growth of personal income in the state. The measure would limit all state spending, regardless of the source of the funds, to no more than 15 percent of total personal income of Oregonians earned in the two calendar years immediately preceding the budget period (biennium).

If the state collects revenues in excess of the limit, the measure would require that those excess revenues be distributed to Oregon taxpayers in proportion to the income taxes they paid in the biennium. Excluded from this distribution are earnings from dedicated investment funds, such as retirement funds or the Common School Fund.

The Legislature could vote to increase spending beyond the limit, but only if the Governor specifically declares an emergency, and three-fourths of the elected members of both the House and the Senate vote for the increased level of spending.

The limit covers state spending from all sources of funds, such as taxes, fees, federal funds, and investment earnings. The measure would exclude from the limit proceeds from state-issued bonds, although it does include the funds appropriated to repay those bonds.

For comparison, the state has recently experienced a spending level of about 18 percent of personal income. The estimated impact of the measure on the 2001-2003 state budget would be to limit expenditures to an amount \$5.7 billion less than the projected spending of \$32.4 billion.

The measure limits state spending. The measure does not cut state taxes, nor does it direct the Legislature or Governor how state funds are spent within the new limit.

### **Committee Members:**

Joe W. Foxall  
Don McIntire  
Lynn Marie Crider  
James Scherzinger  
Dave Moss

### **Appointed by:**

Chief Petitioners  
Chief Petitioners  
Secretary of State  
Secretary of State  
Members of the Committee

*(This committee was appointed to provide an impartial explanation of the ballot measure pursuant to ORS 251.215.)*

# Measure No. 8 Arguments

## ARGUMENT IN FAVOR

### CHIEF PETITIONERS MAKE THE CASE FOR MEASURE 8

**Taxpayers have learned the hard way that limiting a specific tax provides only temporary relief**

Trying to control the cost of government by limiting taxes is like squeezing a balloon ... squeeze it in one place and it gets bigger somewhere else! In no time at all, government agencies creatively invent new fees, bigger fines and backdoor taxes to expand the spending balloon.

Instead of limiting taxes, Measure 8 simply limits the **cause of higher taxes -- SPENDING!** If we limit how much politicians can spend, the balloon won't expand faster than our economy!

For the past 25 years, total annual spending by the State of Oregon has averaged more than 18% of all Oregonians' total personal income.

Measure 8 would limit that spending to 15%, require any excess taxes collected be returned to income tax payers, and includes a clause to break the limit in case of financial emergency.

- **Measure 8** will result in state budgets based on the **peoples' ability to pay, rather than on the government's ability to spend.**
- **Measure 8** will **NOT REQUIRE** budget cuts. Budgets will simply **not be able to grow as rapidly.**
- **Measure 8** would limit spending in the next two-year budget cycle to approximately \$30 billion ... **about the same amount as this budget cycle!**
- **Measure 8's** spending limit will inspire our legislature to **find efficiencies and eliminate waste**, and will **create competition among agencies** to prove their cost effectiveness and efficiency.
- **Measure 8** requires that excess revenue collected be returned to income taxpayers. Money the state cannot collect because of the spending limit keeps circulating, **stimulates the economy, and ultimately increases income!**
- **Measure 8** will give the State a vital interest in the economic well-being of its citizens because **state revenue increases when personal income increases.**

**Measure 8 is good for Oregonians and GOOD FOR THEIR GOVERNMENT**

**VOTE YES ON 8.**

*(This information furnished by Joe Foxall, Don McIntire, Ron Sunseri.)*

*(This space purchased for \$500 in accordance with ORS 251.255.)*

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## ARGUMENT IN FAVOR

An alarming trend is that spending by all governments in the 1990's -- federal, state, local -- has skyrocketed. The decade's robust economy has produced volumes of cash to all governments, which just hate to give any of it back once they've got it. Awash in the revenues generated by a booming economy, our legislature has even proposed a "rainy day fund" where they would stash our tax dollars to be spent years after they have taken it from us!

Measure 8 represents a historic opportunity for Oregonians to lead the rest of the nation in slowing the growth of government by not allowing state spending to increase faster than its citizens own economic growth. If we pass this measure, revenues collected in excess of what the state is allowed to spend will simply be returned to income taxpayers on a proportionate basis. Money that will be spent by taxpayers, or perhaps put into our own individual "rainy day funds."

This measure requires that the state spend no more than 15% of the aggregate Personal Income of the people of this state, a statistic published by the federal Bureau of Economic Analysis. In essence, this measure limits the size of state government to the peoples' ability to foot the bills.

Measure 8 does not change income tax rates. The 15% does not refer to a tax rate, but to spending limit that is defined as that percentage of the state's personal incomes.

State legislators recognized the popularity and political appeal of a state spending limit when they referred a statutory spending limit in 1980. The only problem with the Legislature's spending limit: It hasn't limited spending because the politicians routinely exempt certain spending from the definition of "spending."

Measure 8 represents a reasonable constitutional spending limit that the legislature and the governor will have to abide by. It will finally require them to prioritize their spending, and become effective stewards of the citizens' tax dollars.

*(This information furnished by Paul S. Bleeg.)*

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# Measure No. 8 Arguments

## ARGUMENT IN FAVOR

**AT LAST! A WAY OF PAYING FOR GOVERNMENT BASED ON WHAT WE CAN AFFORD INSTEAD OF HOW MUCH THE GOVERNMENT WANTS TO SPEND!**

I'll bet you didn't know that Oregon already has a state spending limit. **Yep! Voters passed it in 1990, 10 to 1.** But it's never really had an effect because it's only a law, not a constitutional limit. So **legislators can ignore it, and they do.**

Measure 8 finally puts a limit in the State Constitution where **they can't ignore it any more!**

Measure 8 **only** puts a limit on **how much** the legislature and bureaucracies can spend. It still allows **complete flexibility on how they spend it.**

Measure 8 doesn't mandate specific budget cuts, or micro-manage any budget or agency.

It will be up to legislators to prioritize their spending. Agencies will have to be accountable for their budgets and prove their cost-effectiveness to the legislature.

Don't get me wrong. Fifteen percent of the personal income of all Oregonians for financing state government is still a big pile of money, but at least it's a limit! Up until now, with the exception of the occasional kicker, no matter how much money is collected from whatever source, the legislature spends it all, every time.

Measure 8 will tie the spending of State Government to the **affordability of those who actually pay the bills** – Oregon taxpayers!

When our collective income grows, (and it always does), so will the amount available for government to spend ... just not more than we can afford.

**MAKE THE GOVERNMENT LIVE WITHIN OUR MEANS.**

**Vote YES on Measure 8!**

*(This information furnished by Steve Beal.)*

*(This space purchased for \$500 in accordance with ORS 251.255.)*

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## ARGUMENT IN FAVOR

**THE SKY IS NOT FALLING  
(Again)!**

Remember 10 years ago when the government types said people would be dying in the streets if Measure 5 passed? Well, they're back at it, doing their Chicken Little thing on Measure 8.

Here are two of their phony attacks on Measure 8:

**ATTACK #1:** Measure 8 will cause unacceptable "cuts" in education, safety, and human services.

**FACT: Wrong! MEASURE 8 CUTS NOTHING, IT JUST DOESN'T ALLOW STATE SPENDING TO INCREASE FASTER THAN THE GROWTH OF OUR OWN INCOME.**

State spending will increase because, ever since they began keeping records, personal income in Oregon has grown every year, without fail. In the last decade, income **increased at an average rate of about 12% per biennium.** If state spending can grow at the same rate, what are they complaining about?

What they're complaining about is that they won't get to spend money faster than we make it. They call that "cuts"! No essential services will have to be touched if the Legislature works at finding efficiencies and trimming excesses.

**ATTACK #2:** Measure 8 will keep Oregon from receiving federal money.

**FACT: Wrong! MEASURE 8 IN NO WAY PROHIBITS STATE APPROPRIATION OF FEDERAL FUNDS.**

Measure 8 does not restrict any kind of appropriation. It simply says that at some point, total spending may not exceed the 15% limit.

One of the best things about Measure 8's limit is that it will force legislators to make some choices and prioritize. Perhaps they will turn down NO federal funds! Or, they may be more discerning about which federal funds they take. Remember, federal funds often require the state to spend money to qualify for federal matching funds which can come with onerous strings attached.

Or, if Uncle Sam becomes unusually generous in sending "free money" to the state, it could lead to income tax reduction or reduction of some other taxes and fees.

Vote Yes on Measure 8.

*(This information furnished by Molly Hickman.)*

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# Measure No. 8 Arguments

## ARGUMENT IN FAVOR

### Make Oregon Competitive

What happens to businesses that take their customers for granted?

How about businesses that refuse to innovate, charging higher prices without ever improving?

Imagine a company committed to heavy investments that was unsure of its future earnings?

How long would such a company last if most of its customers were already dissatisfied?

No company could perform like this for long, without endless resources or an absolute monopoly.

Oregon's resources are not endless, but, the state is a monopoly. Oregonians cannot choose a different government, we live in a monopoly.

Fortunately, we do have some leverage over this monopoly. Even though the government ignores us, we have the ultimate power to change it.

Ballot Measure 8 promises just that!

Measure 8 guarantees that government spending will not grow faster than our incomes. By pegging government spending to 15% of our personal income, government will not swell out of proportion.

Legislators will work within spending limits. State agencies will compete for tax dollars, this competition will bring about efficiencies and productivity gains. When government must finally respond to market forces like the rest us, it will be on the road to accountability.

### Measure 8 will not result in drastic cuts.

With every attempt to rein in government, we hear these same frantic cries:

"Schools will shut down!"

"Bridges will collapse!"

"Dogs and cats will engage in unnatural unions!"

### HOGWASH!

Our government can easily provide essential services to us with 15% of our money. In fact, it can do it with much less.

It is time we asked government to compete, to innovate, to make priorities, to stop taking us for granted.

Voté YES on 8.

Furnished by the Libertarian Party of Oregon

The Libertarian Party is Oregon's third largest political party. Libertarians are fiscally conservative, socially tolerant, believing that government should be limited to protecting freedom while ensuring personal responsibility.

For more information call 1 (800) 829-1992 or visit our web site at [www.lporegon.org](http://www.lporegon.org)

*(This information furnished by Eric Winters, Libertarian Party of Oregon.)*

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## ARGUMENT IN OPPOSITION

### Measure 8 is a Threat to Oregon's Public Higher Education

We teach on the campuses of the Oregon University System. We are concerned about the damage that Measure 8 would inflict on our universities, our state, and our students.

Since 1989, the cost of attending has risen beyond the reach of many. Measure 8 would make this bad situation even worse and would make Oregon's public universities less able to do the job Oregon expects of it:

- This measure would limit spending from all sources that support our institutions, including Federal dollars, tuition fees, gifts and other sources. Thus we could not use Federal funds for programs like agriculture to replace state funds.
- Because higher education funds are in the same pool as other state agencies, any increase in spending on higher education, even from private or Federal funds, would force cuts in other agencies. Yet the Oregon University System should be expanding for the growing number of graduates from Oregon's high schools.
- If applied in the 1999-2001 biennium, Measure 8 would require a 20.4% cut that would have to come out of space for students, new faculty, outreach services such as extension and community education, and scientific research supporting Oregon's economy.

Because we care about our students, our schools, and our state, we strongly urge that you vote No on Measure 8.

Mark Clark, Associate Professor, Humanities and Social Sciences, Oregon Institute of Technology\*  
 John R. Cooper, Professor of English, Portland State University\*  
 Arlene B. Courtney, Professor of Chemistry, Western Oregon University\*  
 Jeffrey L. Johnson, Professor of Philosophy, Eastern Oregon University\*  
 Gordon Matzke, Professor of Geosciences and Faculty Senate President, Oregon State University\*  
 Jeffrey A. Myers, Professor of Geology, Western Oregon University\*  
 Adele Schepige, Assistant Professor of Elementary Education, Western Oregon University\*  
 Paul E. Simonds, Professor of Anthropology, the University of Oregon\*

\*Institutions are named for identification purposes only and do not represent positions on this measure by the institutions.

*(This information furnished by John R. Cooper, Jeffery L. Johnson, Mark Clark, Gordon E. Matzke, Adele C. Schepige, Jeffrey A. Myers, Arlene R. Courtney, Paul E. Simonds; Professors United to Save Higher Education (PUSHE).)*

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# Measure No. 8 Arguments

## ARGUMENT IN OPPOSITION

**Organizations In Every Part of Oregon,  
From Every Walk of Life,  
Have Joined Together to Say:**

**VOTE NO ON MEASURE 8**

**This is a small sample of those who have joined in  
opposition to Measure 8:**

- League of Women Voters of Oregon
- Human Services Coalition of Oregon
- Alzheimers Association, Oregon Trail Chapter
- Oregon State Council of Senior Citizens
- Children First for Oregon
- Oregon State Fire Fighters Council
- Oregon Health Care Association
- Eugene Police Employees' Association
- Christian Church (Disciples of Christ)
- Roseburg Police Employees' Association
- Bend Chamber of Commerce
- Reverend William R. Ellis, Jr.
- Oregonians for Public Safety
- American Jewish Committee, Oregon Chapter
- Congressman Earl Blumenauer
- Oregon Education Association
- Oregon State Police Officers' Association
- Portland Gray Panthers
- Oregon Consumer League
- Tigard United Methodist Church
- Oregon AFL-CIO
- Oregon AFSCME, Council 75
- Confederation of Oregon School Administrators
- OPEU, SEIU Local 503
- Oregon Catholic Conference
- Jewish Federation of Portland Community Relations Committee
- Oregon Council, American Electronics Association
- Oregon Council of Police Associations
- Crown Pacific
- Oregon School Boards Association
- Oregon Building Officials Association
- Oregon Advocacy Coalition of Seniors and People with Disabilities
- Rabbi Daniel Isaak

**Too Little Benefit. Too Great a Cost.  
Vote NO on Measure 8**

**[www.ouroregon.org](http://www.ouroregon.org)**

*(This information furnished by Shannon Floyd, The Committee for Our Oregon.)*

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## ARGUMENT IN OPPOSITION

LEAGUE OF WOMEN VOTERS - NO ON 8

**The League of Women Voters of Oregon Urges a  
No Vote on Measure 8**

The League of Women Voters of Oregon is a grassroots, nonpartisan organization which encourages the informed and active participation of citizens in government. Since 1920, the League has worked to inform voters, improve our political process and strengthen our Democracy.

### **A Massive Cut With Minimal Tax Reductions**

Measure 8 says it will be a "limit" on state spending. However, it probably will be nearly a \$5 billion cut from the current level of services all Oregonians count on. Yet Measure 8 does not guarantee tax reductions. And if there are tax reductions, the bulk could go to higher income taxpayers, which is unfair to the majority of Oregonians.

### **Impacting a Wide Range of Important Services**

Because it affects all state spending (not just that funded by Oregon state taxes), Measure 8's probable \$5 billion cut would seriously impact adequate funding for:

- schools and higher education
- health care (including the Oregon Health Plan and Medicaid)
- repair and maintenance of our roads and bridges
- services to seniors and the disabled
- public safety
- protection of our natural resources

### **Losing our Fair Share of Federal Funding**

Measure 8 could force Oregon to turn away hundreds of million of dollars in federal funding -- dollars that Oregonians pay in federal taxes. This will not lower Oregonians federal tax bills, but will in effect force us to send our federal tax dollars to other states.

**Please Join the Oregon League of Women Voters in  
Voting NO on 8**

*(This information furnished by Paula Krane, President, League of Women Voters of Oregon.)*

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# Measure No. 8 Arguments

## ARGUMENT IN OPPOSITION

**The businesses that keep Oregonians working  
and  
The people who make Oregon work  
Say Measure 8 Doesn't Work for Oregon!**

The Oregon Business Council is an association of chief executives from many of Oregon's largest businesses. Its member companies employ 88,000 Oregonians and contribute billions of dollars into Oregon's economy.

The American Federation of State, County and Municipal Employees Council 75 represents 20,500 of the working families that provide our communities with services such as health care, state corrections, and other public safety services.

We are very different organizations. But we thought that by joining together we could make a point:

**Whoever you are, whatever you do, Measure 8 is a bad idea for Oregon.**

Together, we share a vision of a great Oregon future:

- Diverse businesses providing quality jobs and a talented workforce able to perform these jobs well.
- Communities that are safe, caring and engaging places to live.
- Quality public infrastructure and services.

The public sector needs a healthy economy. The private sector needs high quality public services because they are essential for business to be successful. Both are threatened by Measure 8.

Measure 8 claims to be a limit on government. In fact, the practical effect of this measure would be to arbitrarily cut public services – even those that are largely supported by federal funds and dedicated fees. It is probable that the state would have to return hundreds of millions of federal dollars to Washington.

**That would become, in effect, a contribution by Oregonians to the public services of other states.**

Whether you are running a company, or a working family, voting for Measure 8 would be a bad business decision.

**Join the Oregon Business Council  
Oregon AFSCME Council 75  
And all those who care about Oregon  
VOTE NO ON 8**

*(This information furnished by Duncan Wyse, President, Oregon Business Council; Ken Allen, Oregon AFSCME Council 75.)*

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## ARGUMENT IN OPPOSITION

**A Message from Oregon's Leading School Advocates**

Like Measure 91, Measure 8 offers Oregon taxpayers little or no benefit, at a terrible cost to our schools.

Like Measure 91, Measure 8 will force a nearly 20% cut in state funding. When those cuts get to the local school level, there is no way to avoid significant impacts, including:

- Increased class sizes
- Old and outdated books and materials
- Lost programs like music and art
- Teacher layoffs

**But in some important ways, Measure 8 is even worse.**

Oregon's school funding system mandates that the vast majority of funds come from the state. And the way Measure 8 works would not only make it against the law to replace that state funding, **it would make it unconstitutional!**

At the same time, Measure 8 doesn't offer any particular benefits to Oregon taxpayers.

**Little benefit. Great cost.  
VOTE NO ON 8**

Oregon School Boards Association

Oregon Education Association

Oregon School Employees Association

Confederation of Oregon Schools Administrators

American Federation of Teachers

*(This information furnished by Ozzie Rose, Confederation of Oregon School Administrators; James Sager, Oregon Education Association; John Marshall, Oregon School Boards Association; Debbi Covert, President, American Federation of Teachers--Oregon; Ed Edwards, Oregon School Employees Association.)*

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# Measure No. 8 Arguments

## ARGUMENT IN OPPOSITION

**A Message from Governor John Kitzhaber, M.D.**

Measure 8 is one of those measures that sound simple. Just a "limit" on government spending, that's all.

But what Measure 8 really does isn't simple. If you look just a little closer, you can see that it makes absolutely no sense at all.

Measure 8 isn't a limit, it is actually a nearly \$5 billion cut in the next state budget. This magnitude of cut is far too great to avoid significant impacts.

And your state income taxes are only about one-third of the money Measure 8 applies to. **It also puts a cap on the billions of dollars we get in federal funds and from non-tax revenues.** Instead of using those dollars for Oregon's critical needs, we will have to turn them away.

**That won't lower your tax bill. It just means that more of your federal tax dollars will stay in Washington DC or go to other states.**

And where will the state cuts come from? From all state budgets – K-12 schools, our universities and community colleges, health care, repairing and maintaining roads and bridges, state police and prisons and more.

Will it mean the end of the world? No, it won't. But it will change Oregon from the state we know today. And it will certainly put a halt to efforts to build a stronger, fairer, more prosperous future for all Oregonians.

There is plenty of room for Oregonians to disagree about the extent and role of government. There is plenty of room for Oregonians to disagree about taxes. But one thing we should all be able to agree on is that Measure 8 makes no sense for taxpayers, and it makes no sense for Oregon.

**Please join me in voting no on Measure 8**

**John Kitzhaber, M.D.**

*(This information furnished by John A. Kitzhaber, M.D.)*

*(This space purchased for \$500 in accordance with ORS 251.255.)*

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## ARGUMENT IN OPPOSITION

**OREGON'S NURSES SAY:  
Measure 8 is Hazardous to Oregon's Health!**

No one has a better view of Oregon's health than Oregon's nurses. We work in every area of the health care system, in every part of the state. We know first hand the importance of access to quality affordable health care, and what happens when that access disappears.

**That is why Oregon's nurses so strongly oppose Measure 8.**

Measure 8 will cause a nearly \$5 billion cut in resources for critical services in Oregon. And nowhere will those cuts be felt more than in health care. **It will in all likelihood force the discontinuation of the Oregon Health Plan,** ending coverage for thousands of Oregon's most vulnerable families. But this is not just a problem for them: the resulting increase of uninsured visits to emergency rooms and hospitals by the uninsured will raise all of our insurance premiums.

**In other words, Measure 8 would be costly to just about all of us.**

And much of the cut in health care will not save us a dime in taxes! Measure 8 will force us to turn back hundreds of millions of dollars in federal funds that pay for things like the Health Plan, Medicaid and even some Medicare programs.

**Why would we take away our neighbors health insurance and raise our own rates - all for a measure that doesn't even guarantee real tax savings to most Oregonians?**

**Please Join the Oregon Nurses Association and  
Vote NO on Measure 8**

*(This information furnished by Martin Taylor, Nurses United: affiliated with the Oregon Nurses Association.)*

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# Measure No. 8 Arguments

## ARGUMENT IN OPPOSITION

### Seniors Throughout Oregon Say Measure 8 Make No Sense for Oregonians!

As some of Oregon's most active seniors organizations, we urge seniors, and all Oregon voters, to VOTE NO ON MEASURE 8.

Even for those who believe in limited government, Measure 8 makes no sense:

- It offers no guarantee of tax cuts. And if there are tax cuts, very little will go to seniors or the middle class.
- It will force Oregon to turn back hundreds of millions, even billions of dollars in federal funding. This will not lower our federal taxes, but will give back money that is ours!
- The federal money that we will turn back largely goes for things seniors count on, such as health care, the Oregon Health Plan and even some Medicare funding.
- And Measure 8 will force a nearly \$5 billion cut in the state's budget. That is just too big to avoid serious impacts on other things that all Oregonians count on, including schools, roads and public safety.

**It's Unfair to Seniors, and Makes No Sense for Oregon**

**United Seniors of Oregon**  
**Oregon State Council of Senior Citizens**  
**Portland Gray Panthers**  
**Oregon Advocacy Coalition of Seniors and**  
**People with Disabilities**

**And the Alzheimer Association, Oregon Trail Chapter**  
**All Urge:**

**VOTE NO ON MEASURE 8!**

*(This information furnished by Jim Davis, Oregon State Council of Senior Citizens, United Seniors of Oregon, Portland Gray Panthers, Oregon Advocacy Coalition of Seniors and People with Disabilities, Alzheimer Assoc., Oregon Trail Chapter.)*

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## ARGUMENT IN OPPOSITION

### Oregon Educators Ask You To Vote No on 8 It Cuts Deeply Into Education Funding

#### • Measure 8 Makes Deep Cuts in School Funding

The reality is that Measure 8 cuts approximately \$5 billion in the next biennium. It's no secret that Oregon's schools are in desperate need of adequate and stable funding. Measure 8 will mean drastic cuts in critical education programs.

#### • Measure 8 Hurts Students.

Oregon's schools are already facing a funding crisis. In many school districts programs have been cut, textbooks are outdated and class sizes are growing. There is nowhere else left to cut in our public schools except deeply into our classrooms. The ones who pay the price are Oregon's students.

#### • Measure 8 Is Flawed.

It says one thing but does another. It forces Oregon to return hundreds of millions of dollars in federal funds. The net effect: Measure 8 takes our federal tax dollars and sends them to other states. That's not fair to Oregonians or our public schools.

#### • Measure 8 does not belong in Oregon's Constitution.

Oregon's students deserve more than a measure that continues to slash school funding year after year. It has no place in Oregon's Constitution.

**Please Join Us and Vote No on Measure 8**

Martin Bronstein, elementary teacher  
Corvallis

Carolyn Clontz, elementary teacher  
Bend/LaPine

*(This information furnished by Martin A. Bronstein, Carolyn Clontz.)*

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# Measure No. 8 Arguments

## ARGUMENT IN OPPOSITION

### MEASURE 8 IS NOT THE ONLY ONE TO WORRY ABOUT!

Measures 91, 93 & 8 are bad ideas for Oregon in many different ways. But there are some things they have in common:

- They all offer little or no benefit to middle class Oregon taxpayers.
- They all hurt basic values and services that all Oregonians count on and care about.
- They are all vague or misleadingly worded, and filled with unintended consequences.
- They all amend the constitution.
- They don't add up, and they certainly won't work.

**Measures 91, 93 & 8:  
Far Too Little Benefit. Far Too Great a Cost.**

[www.ouroregon.org](http://www.ouroregon.org)

*(This information furnished by Shannon Floyd, The Committee for Our Oregon.)*

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## ARGUMENT IN OPPOSITION

### A MESSAGE FROM THE OREGON PTA

#### Oregon's Children Cannot Afford Measure 8!

**Oregon's constitution is supposed to protect the citizens of Oregon.** But Measure 8 would change our Constitution to do just the opposite.

Measure 8 says that it limits state spending. What it doesn't tell you is that it limits far more than what your state tax dollars pay for. In fact, it offers no guarantees of tax relief. What it doesn't tell you is that it will force Oregon to give back to the federal government hundreds of millions -- even billions -- of federal funding that is rightfully ours.

And what Measure 8 doesn't tell you is the impact it will have on schools and our children.

**If this measure passes it would force the state to cut nearly \$5 billion from the 2001-2003 budget. That is far more than we can cut without seriously impacting things we all count on.**

If this measure passed, our state school budget would have to be cut by up to 20%. That would mean cuts to teachers, to textbooks, to computers, to school libraries to school counselors.

It would mean an increase in children per classroom. An increase in crumbling school facilities. An increase in problems with troubled children. An increase in illiteracy and learning difficulties.

And it would mean cuts to other things important to children: health care, services for at risk and abused children and more.

When we invest in our schools and our children, we are investing in our own future. Measure 8 will damage that investment -- and all for little or no real benefit for taxpayers.

What sense would that make?

**Say Yes To Oregon's Children.  
Vote NO on Measure 8.**

Kathryn Firestone, President  
Lisa Laursen Thirkill, Vice president for Legislation  
**The Oregon PTA**

*(This information furnished by Kathryn Firestone, President, Lisa Laursen Thirkill, VP Legislation; Oregon Congress of Parents and Teachers.)*

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# Measure No. 8 Arguments

## ARGUMENT IN OPPOSITION

### The Oregon Consumer League Says: Measure 8 Is A Bad Product in A Deceptive Package

The Oregon Consumer League works to make sure that Oregon consumers receive fair and legal treatment in the marketplace. Products should be safe, and honestly presented.

If Measure 8 was a product being sold in a store, we would demand it was pulled from the shelves.

Limiting government may sound like a good idea in the abstract. But on closer look, Measure 8 really limits Oregon's future. **And from a consumer's perspective, it is a terrible deal.**

First we would be giving up millions, even billions in Federal funds—for universities, highway construction, health care and other valued programs. That's a product you won't receive, even though you have already paid for through your federal taxes. And you won't be getting that money back.

Next, we would be slashing our public services with a broadax—instead of a scalpel. If that still doesn't bother you, ask yourself what would happen if you had to slash your household budget more than twenty percent?

Then think of what public services you would cut—schools? Police? Fire? Highways? Higher education? Parks and recreation? Public safety? Air and water quality? Job safety? Food safety?

Oregon has the highest percentage of hungry children in the nation. Shall we offer them less help?

Do we cut the Oregon Health Plan? Taking away the health insurance coverage of thousands of Oregonians will end up raising insurance rates for the rest of us.

**And to top it all off, we wouldn't just be putting this faulty, misleadingly advertised product in our cupboard: we would be putting it in our constitution.**

**Be a smart consumer:  
Vote No on Measure 8!**

Jason Reynolds  
Oregon Consumer League

*(This information furnished by Jason Reynolds, Oregon Consumer League.)*

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## ARGUMENT IN OPPOSITION

### Measure 8 Puts SENIORS at Risk!

Seniors in Oregon would see a dramatic cut in services and funding if Measure 8 passes. Not only will Measure 8 create a huge hole in Oregon's budget, it would force Oregon to return HUNDREDS OF MILLIONS of dollars in federal funds each year. Thousands of frail elderly and disabled Oregonians require state and federal assistance to pay for the nursing home and assisted living care they so desperately need. Protect Oregon's most vulnerable population: seniors, by voting No on Measure 8.

**Cutting nearly \$5 billion is not only IRRESPONSIBLE  
it is DANGEROUS**

Measure 8 seriously threatens many services our government provides including funding for health care, police, roads, and education. In a time where these services are already under stress, Measure 8 would cut essential community programs and drive funding away from our kids and seniors.

### Losing Federal Tax Dollars That Rightly Belong To Us

Measure 8 would turn back federal taxpayer dollars that rightfully belong to us. Because Oregon receives federal matching funds for many programs, with this spending Oregon would not only see an unnecessary cut in state funding: Oregonians would take a DOUBLE hit by losing needed federal funding.

**Too little benefit. Too great a cost.  
Oregon Health Care Association Urges You to  
VOTE NO ON MEASURE 8**

*(This information furnished by James Carlson, Oregon Health Care Association.)*

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# Measure No. 8 Arguments

## ARGUMENT IN OPPOSITION

### MEASURE 93 WILL CREATE A TREMENDOUS PROBLEM FOR RURAL OREGON

Measure 93 will force a vast number of individual fees on the statewide ballot. Many of those fees are willingly paid by industries, communities and individuals that rely on the services they pay for.

Without those fees, it could be impossible to sustain business, agricultural or professional activity that thousands of Oregonians count on for their livelihood.

Nowhere is that more of an issue than in rural Oregon. It doesn't make sense for city dwellers to vote on things such as: grazing fees, or fees that support vital agricultural research, or help support developing markets for Oregon products.

**But that is just what Measure 93 will do: force people to vote on hundreds of specialized fees that they don't pay for, don't know anything about, and the loss of which will cause others to suffer.**

**Too little benefit. Too great a cost.**

**Vote NO on Measure 93**

**[www.ouroregon.org](http://www.ouroregon.org)**

*(This information furnished by Shannon Floyd, The Committee for Our Oregon.)*

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## ARGUMENT IN OPPOSITION

### FORMER JUDGES OPPOSE PLACING MEASURE 8 IN THE CONSTITUTION

It's Unclear, Has Unintended Consequences And Is Bad Public Policy

Fellow citizens:

As former judges, we have a deep respect for the State's fundamental governing document – the Oregon Constitution.

**That is why we hope you will join us in voting No on Measure 8.**

The Constitution establishes our basic system of government and protects our fundamental rights. Unlike a simple statute, it cannot be changed by the Legislature. Only a vote of the people can change the Constitution.

**We believe that the Constitution should be reserved for matters of fundamental importance.** We believe it is entirely inappropriate, and dangerous, to crowd the Constitution with provisions that could easily be dealt with statutorily.

**That is especially true about Measure 8.** Whatever one's opinion of limiting government spending, Measure 8 is broad, vague and filled with unintended consequences. Even the proponents seem unsure of its ultimate effects. With a high likelihood of the meaning of the measure having to be settled in court, voters cannot even be sure what they will be voting for. Locking such a measure in our Constitution makes no sense.

We happen to disagree with Measure 8 as a matter of policy. It will force Oregon to turn back federal funding, while not lowering our federal taxes. It will force cuts that will undermine services such as schools, health care, social services and public safety.

**But even if we agreed with Measure 8 as a matter of policy, we would believe placing it in the Constitution is wrong.**

We hope you will join us in voting "No."

*(This information furnished by The Honorable Jacob Tanzer, The Honorable Betty Roberts.)*

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# Measure No. 8 Arguments

## ARGUMENT IN OPPOSITION

### Measure 8 Puts Oregon's Children Last

Children First for Oregon is the statewide voice on behalf of Oregon's over 800,000 children. We believe that who we are as a people, now and in the future, depends upon our commitment to the well being of children.

That is why Children First for Oregon asks all Oregon voters to vote No on Measure 8.

Measure 8 will require a nearly \$5 billion cut in the entire state budget. While this will seriously impact almost every area of our state's life from transportation to state parks, no group will feel that impact more than Oregon's kids.

- Measure 8 will hurt Oregon's K-12 schools, with impacts including increased class sizes, loss of programs and other classroom cuts.
- Measure 8 will cancel the health insurance of thousands of children and families.
- Measure 8 will slash investment in our universities and community colleges – so important for preparing young people for successful careers.

And the truly senseless thing about these cuts is that many of the services critical to making sure that all Oregon's children have the future they deserve are paid for with federal funding. Measure 8 will force us to turn back much of the matching federal dollars Oregon receives for programs like Head Start and Children's Health Insurance, but won't lower our federal taxes.

Measure 8 hurts some of our most vulnerable kids. When we invest in children, we invest in ourselves – our neighborhoods, our economic well being and our future. Don't throw away that future.

### Remember to Protect Oregon's children this November!

*(This information furnished by Marie A. Hoeven, Children first of Oregon.)*

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## ARGUMENT IN OPPOSITION

### PROTECT OREGON'S FUTURE

### VOTE "NO" ON MEASURE 8

**Measure 8 would strangle Oregon's public universities.** Measure 8 puts a cap on all state spending, regardless of the source of the funds. For our universities, this includes tuition, dorm and food service income, research grants and contracts, and gifts from alumni. How could we operate if these non-state tax sources were cut severely, in order to get total state spending under the cap?

**Measure 8 doesn't work for Oregon.** Oregon's public universities receive more than \$175 million each year to conduct research vital to Oregon and the nation. Our researchers are studying wheat, metals and advanced materials, tree diseases, software engineering, salmon habitat, and hundreds of other areas of scientific inquiry important to Oregon and our quality of life. They are supported by federal, foundation, or other funds. If all of these research funds don't fit under the state spending cap, what don't we study, and what Oregon industry gets hurt?

**Measure 8 hurts Oregonians.** Oregon public universities award more than 13,000 degrees each year, in teaching, engineering, agriculture, social work, criminal justice, forestry, and many other subjects. How can we continue preparing Oregon's educated workforce, if tuition, room and board, and all the other non-tax revenues in our budgets are restricted because of the cap on all state spending?

### VOTE FOR OREGON----VOTE "NO" ON MEASURE 8

David Frohnmayer  
President, U of O \*

Don VanLuvanee  
President, Oregon State Board  
of Higher Education \*

Paul Risser  
President, OSU \*

Tom Imeson  
Immediate Past President  
Oregon State Board of  
Higher Education\*

Daniel Bernstine  
President, PSU \*

Joseph W. Cox  
Chancellor  
Oregon University System\*

Betty Youngblood  
President, WOU\*

\* Titles used for identification purposes only, and do not constitute a position on this measure by any institution of the Oregon University System or the Oregon State Board of Higher Education.

*(This information furnished by Shannon Floyd, The Committee for Our Oregon.)*

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# Measure No. 8 Arguments

## ARGUMENT IN OPPOSITION

### A MESSAGE FROM OREGON'S HUMAN SERVICES COALITION

If you've read the fine print of Measure 8, you have probably figured out that there is a lot more to it than meets the eye.

Or maybe, it's a lot less.

Measure 8 talks about "limits," "appropriations" and "percentages." But what it doesn't have is any guarantee that you will get anything out of it in tax reductions.

And because it will cut nearly \$5 billion out of things we all count on and care about, all Oregonians will pay a price for that, in our economy, in our quality of life and our ability to keep Oregon a great place to live, work and grow.

But as a coalition that works for some of Oregon's most vulnerable citizens, we thought it was important to point out a few of the people who will feel a particular impact.

You see the authors of Measure 8 did not include in the text of the measure anything about taking health insurance away from thousands of children, pregnant women, seniors and working poor families.

Or cutting in-home living assistance for seniors.

Or cutting back on reimbursements to the foster parents of abused children.

But that's a pretty good description of what Measure 8 does.

And the irony is that the federal government pays for much of those services. **But while it won't cut a dime of Oregonians' federal tax bill, Measure 8 will force us to give that money back.**

It doesn't make much sense.

But that's what it means.

**Little Benefit. Tremendous Cost.  
Please, Vote NO on Measure 8**

*(This information furnished by Gina Mattioda, Co-Chair of HSCO.)*

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## ARGUMENT IN OPPOSITION

Measure 8 does not belong in the Oregon Constitution and it isn't good policy for Oregon. Sure, it sounds good to limit state expenditures, but as Portland State University graduates, we're concerned about what it will really mean to Oregon's higher education system.

Let's consider the facts. This measure would limit all state expenditures, even those that are paid for by the Federal Government, such as financial aid for college tuition. It would also include faculty research funding paid for by industry, and donations given by Oregonians to support scholarships and college athletic programs. No matter how hard colleges and universities work to seek private support for programs, they would be forced under an arbitrary and capricious cap of 15% for all state government expenditures.

That is a ridiculous policy and it will hurt Oregon's economy.

Measure 8 could mean that Oregon would turn back Federal funds for important programs like higher education. That won't save you or us a dime, but could send Oregon tax dollars to other states.

We urge a no vote on Measure 8. It just doesn't make any sense.

*(This information furnished by Gary D. Salyers, Chris Groener, Marjorie Terdal, Roger Capps, Joan C. Johnson, Denise Duncan; alumni of Portland State University.)*

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# Measure No. 8 Arguments

## ARGUMENT IN OPPOSITION

### OREGON RECREATION & PARK ASSOCIATION OREGON PARKS ASSOCIATION OPPOSES MEASURE 8

**The damaging cuts to parks will save taxpayers little or nothing!**

The Oregon Recreation & Park Association and the Oregon Parks Association, organizations representing over 500 professional members that provide park and recreation services throughout the state, strongly urge our fellow Oregonians to VOTE "NO" on Measure 2.

Supporters of Measure 8 say it is a limit on spending. But what they don't tell you is that it will limit far more than just tax dollars. **The limits will extend to federal funds, lottery funds, fees paid by out-of-state tourists and other non-tax revenues – that's unfair to Oregon taxpayers and it is a serious threat to our parks.**

Oregonians are rightly proud of our nationally renowned system of state parks. Our parks are an important part of our quality of life, and a tourism industry that is vital to the economic well being of thousands of Oregon families.

For years, however, Oregon has deferred reinvesting in the infrastructure of our State Park System. For the first time in a long time there is the hope of reversing that trend, largely because of lottery funding, fees paid by park users, gifts and federal grants. Measure 8 will limit our ability to utilize those funding sources and it may prohibit us from pursuing the acquisition of new parks and the refurbishment of older ones.

**The result? Our parks will be seriously damaged  
And it will save little or no Oregon tax dollars!**

Measure 8 is not what it seems. Even if you believe in limited government, or want to see tax reductions, Measure 8 doesn't deliver what it promises. And all Oregonians will pay the price.

**Don't be fooled! Save our parks!  
Vote "No" on Measure 8.**

*(This information furnished by Stephen A. Bosak, Oregon Recreation & Park Association, Oregon Parks Association.)*

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## ARGUMENT IN OPPOSITION

### OREGON BUSINESS ASSOCIATION OPPOSES MEASURE 8

The Oregon Business Association joins with Oregonians from all over the state who have united in opposition to Measure 8. Urban and rural Oregon, business and labor, Republicans, Democrats, Independents, seniors and young families with kids in school – folks from all walks of life are saying "Measure 8 is wrong for Oregon!"

### MEASURE 8 IS ANTI-OREGON

Measure 8 will force billions of dollars in cuts to Oregon's quality of life, hurting health care, hospitals, K-12 and higher education, public safety, senior and disabled services, transportation, natural resources, and nearly all human services now available to the people of Oregon.

### MEASURE 8 IS DISHONEST

Measure 8 is a poorly crafted, shortsighted, shot-in-the-dark initiative that dramatically distorts the truth. *The Oregonian* called it "lying with statistics." (*The Oregonian*, Editorial, 8/27/00)

### MEASURE 8 WILL FORCE OREGON TO LOSE FEDERAL FUNDS

Measure 8 will force Oregon to send back billions of dollars in federal funds Oregon is entitled to receive or make even deeper cuts to health care and hospitals, schools, public safety, and other services.

**THE OREGON BUSINESS ASSOCIATION** is a non-partisan, statewide business leadership organization working to achieve creative and cooperative solutions to Oregon's public policy issues. Without qualification, we oppose Measure 8.

**FOR OREGON – VOTE NO ON MEASURE 8!**

Tom Kelly  
Chair, Oregon Business Association

Lynn Lundquist, Former Oregon Speaker of the House  
President, Oregon Business Association

*(This information furnished by Tom Kelly, Chairman, Lynn Lundquist, President; Oregon Business Association.)*

*(This space purchased for \$500 in accordance with ORS 251.255.)*

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# Measure No. 8 Arguments

## ARGUMENT IN OPPOSITION

**Oregon State Treasurer Jim Hill  
Urges you to vote NO on Ballot Measure 8**

**Please join me in voting NO on Ballot Measure 8.** Measure 8 is not tax relief and it is not tax reform. It is a poorly drafted measure that will cripple the state's ability to provide vital services. Measure 8 will cut more than \$5 billion from the state budget, money that Oregon needs to fund basic services like education, public safety and healthcare.

**Measure 8 would not only force devastating cuts in the state's budget, it would also force the state to return hundreds of millions, perhaps even billions of dollars to the federal government.** This is money that rightfully belongs to Oregonians, money that we pay in federal taxes that would not be returned to us and instead go to other states.

Measure 8 would devastate our public schools. At a time when Oregon's dropout rate is one of the highest in the nation and our schools are overcrowded and in disrepair, we don't need another constitutional measure that would further harm our children and deny them the quality education that they deserve. Measure 8 will cause massive teacher layoffs, increased class size and a reduction in Oregon's standard of education.

Aside from the devastation to education, Measure 8 would damage the state's credit rating. **Estimates show that a single drop in the state's credit rating would cost Oregonians more than \$400 million in increased interest costs.** That is money that we could be spending on education or healthcare.

This irresponsible measure endangers the financial stability of our state, threatens our healthy economy and restricts our ability to fund education and other essential state services.

Measure 8 is another example of special interests groups trying to impose their dangerous, narrow-minded views on the rest of Oregon. Please keep this measure out of our constitution and join me in voting NO on Measure 8.

**Jim Hill  
Oregon State Treasurer**

*(This information furnished by Jim Hill, Oregon State Treasurer.)*

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## ARGUMENT IN OPPOSITION

**OREGON ASSOCIATION OF HOSPITALS AND  
HEALTH SYSTEMS URGES YOUR "NO" VOTE  
ON MEASURE 8**

**Measure 8 is a bad idea, because its passage would hurt Oregon's most vulnerable citizens:** Measure 8 will cut **billions** of dollars in essential financial support for programs like the Oregon Health Plan, which provides health coverage to Oregon's children and neediest citizens. Other important health-related programs will be severely harmed as well: health care services to seniors, the disabled, and programs for the blind will all be hurt if Measure 8 passes. These are the programs that are most important to all Oregonians, because they provide care for those who are unable to care for themselves.

**Measure 8 is a bad idea, because it goes too far:** If adopted, Measure 8 would cut \$5.7 Billion dollars the next state budget. In addition to health care cuts, large cuts to Oregon's education system will be likely, and public safety programs like police, fire and prison would face potential cuts. In fact, it's likely that if Measure 8 passes, nearly every state program will be subject to deep cuts in funding.

**Measure 8 is a bad idea, because it changes the Oregon Constitution:** Measure 8 proposes a drastic and arbitrary cut to Oregon's essential programs. Worse, it changes our Constitution, leaving our elected officials powerless to fix the problems it will create.

**MEASURE 8 IS A BAD IDEA FOR OREGON!**

**The Oregon Association of Hospitals and Health Systems  
Urges you to Vote NO! on Measure 8**

*(This information furnished by Ken Rutledge, Oregon Association of Hospitals and Health Systems.)*

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# Measure No. 9

Proposed by initiative petition to be voted on at the General Election, November 7, 2000.

## BALLOT TITLE

### **9 PROHIBITS PUBLIC SCHOOL INSTRUCTION ENCOURAGING, PROMOTING, SANCTIONING HOMOSEXUAL, BISEXUAL BEHAVIORS**

**RESULT OF "YES" VOTE:** "Yes" vote prohibits public school instruction encouraging, promoting, or sanctioning homosexual/bisexual behaviors; provides penalties.

**RESULT OF "NO" VOTE:** "No" vote rejects proposal to prohibit public school instruction encouraging, promoting, sanctioning homosexual/bisexual behaviors.

**SUMMARY:** Amends statutes. Prohibits public schools from instructing on behaviors relating to homosexuality and bisexuality in a manner that encourages, promotes or sanctions such behaviors. Provides sanctions for noncompliance by any public elementary or secondary school or by any community college, including loss of all or part of state funding.

**ESTIMATE OF FINANCIAL IMPACT:** There is no financial effect on state or local government expenditures or revenues.

## TEXT OF MEASURE

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OREGON:

Section 1. ORS 336.067 is amended to read (new section):

(e) Sexual Orientation as it relates to homosexuality and bisexuality, is a divisive subject matter not necessary to the instruction of students in public schools. Notwithstanding any other law or rule, the instruction of behaviors relating to homosexuality and bisexuality shall not be presented in a public school in a manner which encourages, promotes or sanctions such behaviors.

Section 2. ORS 659.155 is amended to read (new section):

(1) Any public elementary or secondary school determined by the Superintendent of Public Instruction or any community college determined by the Commissioner for Community College Services to be in noncompliance with provisions of ORS 336.067 (e) or ORS 659.150 and this section shall be subject to appropriate sanctions, which may include withholding of all or part of state funding, as established by rule of the State Board of Education.

## EXPLANATORY STATEMENT

Ballot Measure 9 amends state statutes relating to public school instruction regarding homosexuality and bisexuality.

The measure prohibits public schools from providing instruction on behaviors relating to homosexuality and bisexuality in a manner that encourages, promotes or sanctions such behaviors. For purposes of this measure, "public schools" include public elementary schools, public secondary schools, community colleges, state colleges and state universities, and all state and local institutions that provide education for patients or inmates.

The measure also provides sanctions for noncompliance by any public elementary school, public secondary school or community college. For public elementary and secondary schools, noncompliance, including guidelines for determining noncompliance, will be determined by the Superintendent of Public Instruction. For community colleges, noncompliance, including guidelines for determining noncompliance, will be determined by the Commissioner of Community College Services. Sanctions may include the withholding of all or part of state funding. The sanctions are based on rules to be adopted by the State Board of Education.

**Committee Members:**

Phillip Z. Ramsdell  
Barry Williams  
Roger Gray  
Maura Roche  
Jack Roberts

**Appointed by:**

Chief Petitioners  
Chief Petitioners  
Secretary of State  
Secretary of State  
Members of the Committee

*(This committee was appointed to provide an impartial explanation of the ballot measure pursuant to ORS 251.215.)*

# Measure No. 9 Arguments

## ARGUMENT IN FAVOR

### AN EXPLANATION: BALLOT MEASURE 9

- Amends state statutes to make Lon Mabon's **personal moral beliefs** into **public policy**.
- Prohibits public schools from providing any instruction **contrary to Lon's opinions** about homosexuality.
- Establishes precedent for **anyone else** to make the schools teach **their beliefs** to **your children**.
- Establishes that morality is determined by popular vote.
- **Establishes precedent** for additional censorship amendments attacking freedom of speech, censoring library books, and polarizing the public schools as a divisive electoral battleground over conflicting theologies.
- Dresses in a **new disguise** the OCA's **same old attempt** to legislate Lon's personal moral opinion that's been twice defeated by Oregon voters.
- Increases the **teenage suicide** rate by instilling children with guilt and self-loathing.
- Increases teenage AIDS infections by prohibiting accurate information on prevention.
- Facilitates hatred and violence against your children if they are gay or lesbian or merely **perceived** as such, increasing assaults and killings.
- Allows good teachers to be fired for expressing disagreement with Lon Mabon or if a **paranoid person** imagines them to be gay.
- Forces teachers to lie if students ask about scientific studies that document homosexuality in more than **450 species** of animals (Bruce Bagemihl, *Biological Exuberance*).
- May prohibit schools from teaching about **Michelangelo**, Leonardo da Vinci, **Tchaikovsky**, Leonard Bernstein, **Gertrude Stein**, Hans Christian Andersen, and numerous other "**dangerous and destructive**" gay artists.
- Perpetrates the lie that gays are a "threat," when actually children are over 100 times more likely to be abused by **heterosexual relatives** than by homosexuals (*Pediatrics*, July 1994).
- Scapegoats homosexuals to avoid discussing the **real threat** to children: inadequate and dysfunctional parenting.
- Does **absolutely nothing** to prevent physical, sexual, and psychological abuse of children.
- Plants the seeds of intolerance for other minorities.
- Builds political power for **Lon Mabon**, who's declared himself to be **GOD'S ONLY MESSENGER** (*Sunday Oregonian*, March 10, 1996)!

*(This information furnished by M. Dennis Moore, Special Righteousness Committee.)*

*(This space purchased for \$500 in accordance with ORS 251.255.)*

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## ARGUMENT IN FAVOR

### MEASURE 9 ALSO

- Tells anti-gay **lies** to teach "morality."
- Misrepresents the Christian values of nonjudgment, tolerance, and understanding as the "**promotion**" of homosexuality.
- Violates the Ninth Commandment; insists that relentlessly **bearing false witness** against gays "isn't hatred."
- **Sets a standard** of hypocrisy and self-righteous intolerance.
- Dishonestly pretends to speak for all Christians, when **actually** the largest coalition of churches in the state has consistently opposed OCA hate initiatives.
- **Slanders Jesus** by misleading people into thinking that all Christians are as **obnoxious** as the OCA.
- Violates religious freedom by legislating Lon's moral beliefs as the **only true beliefs**.
- Abuses the Bible as an excuse for **common nonsense** and "**time-tested**" **bigotry** by teaching only 0.2 percent of Leviticus, ignoring the cultural context of the other 99.8 percent of Leviticus, which says that eating oysters and shaving are **just as wrong as homosexuality!** (Coming soon: **The Student Facial Hair Protection Act!**)
- Sets the stage for reintroduction of OCA "No Special Rights" Committee initiatives to limit the freedom of religion. Religious freedom has meant the right to practice your personal beliefs and be protected from discrimination, but Lon Mabon wants to redefine religious freedom and create a **new special "Right of Conscience"** for persons who disagree with your moral beliefs to oppose your "immoral" behavior.
- Lon's other initiatives would (1) **change the freedom of religion clause in the state Constitution for the first time since Oregon statehood in 1859**, (2) declare that **straight single parents** and their children are not "family," (3) **legalize discrimination** against homosexuals and straight single parents, (4) **establish a precedent** for anyone to **fire you and evict you if they don't like your moral beliefs**, and (5) provide a campaign income for **Lon--GOD'S ONLY MESSENGER--Mabon** so he doesn't have to get a real job.

For more information, visit us at [www.specialrighteousness.org](http://www.specialrighteousness.org) on the Web.

*(This information furnished by M. Dennis Moore, Special Righteousness Committee.)*

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# Measure No. 9 Arguments

## ARGUMENT IN FAVOR

What does the **Bible** say about homosexuality? Biblical scholars note that the Scriptures, taken in historical and cultural context, simply do not address homosexuality as we understand it today.

The **sin of Sodom** is mentioned numerous times in the Bible, and nowhere is it specified as homosexuality, nor did the early Jewish rabbinical commentaries on this text so interpret it; rather, the sins of Sodom included pride and inhospitality to strangers (Ezekiel 16:49). Ironically, the **OCA commits the sin of Sodom** by refusing to welcome the homosexual strangers in their midst.

To "lie with mankind" is "**abomination**"--but so is eating oysters and sixty-some other impure acts. "Abomination" means "ritually unclean." **These laws were concerned with Jewish ritual purity, not morality.** The ancient Jews associated homosexuality with prostitution in the pagan temples, and there just aren't many **idol-worshipping Canaanite temple prostitutes** in Oregon schools today. Furthermore, both Jesus and Saint Paul rejected the purity laws.

Scholars recognize that Paul's comments in Corinthians were mistranslated. Likewise, in Romans 1:67, "against nature" is a mistranslation of "para physin," for in 11:24, Paul applies these same words to God, and God's work is not "against nature." Paul is actually condemning **idolatry and pagan prostitution**, not gay love, as 1:23 makes clear. In 1:28, Paul changes subjects and gives us the laundry list of human failings, including the OCA's "debate, deceit" and "without understanding" before totally exposing their hypocrisy in 2:1: "Therefore thou art inexcusable, O man, whosoever thou art that judgest: for wherein thou judgest another, thou condemnest thyself; for thou that judgest doest the same things."

Visit [www.specialrighteousness.org](http://www.specialrighteousness.org), and also see Victor Paul Furnish, *The Moral Teachings of Paul*; Robin Scroggs, *The New Testament and Homosexuality*; and Father Daniel Helminiak, *What the Bible Really Says About Homosexuality*.

And what did **Jesus** say about homosexuality? See the next argument!

*(This information furnished by M. Dennis Moore, Save the Bible from Bigots Committee.)*

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## ARGUMENT IN FAVOR

If we're going to teach personal religious beliefs in the public schools, **let's tell students what Jesus had to say against homosexuality:**

(That's right: **Absolutely nothing!** Jesus never condemned gays and lesbians in Scripture. But what does **Lon--GOD'S ONLY MESSENGER--Mabon** have to say about homosexuality? Well, the next argument is full of it.)

*(This information furnished by M. Dennis Moore, Save the Bible from Bigots Committee.)*

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# Measure No. 9 Arguments

## ARGUMENT IN FAVOR

### CALIFORNIA LEGISLATORS ASK HELP FROM OREGON VOTERS

We, the following California legislators, are pleading with the voters of Oregon to please protect the children of Oregon. In last four years homosexual activists, led by the Gay, Lesbian, Straight Education Network (GLSEN), have greatly accelerated their activity in California's public schools.

Pro-homosexual curricula, films, and handouts have become commonplace -- such as the infamous Los Angeles Unified hand-out claiming Abraham Lincoln was a homosexual!

We have school-sponsored homosexual proms and dances in our larger school districts, where students are encouraged to meet adult homosexuals. We have in-services -- sometimes called "diversity training" -- at which teachers are taught how "to introduce gay/lesbian issues in all curriculum areas."

Many of our schools routinely host homosexual speakers who give speeches that often contain graphic descriptions of various homosexual sex acts. We have pro-homosexual counseling programs such as Project 10, which routinely refer troubled students to outside homosexual organizations. Incredibly, Project 10 distributes a handbook that contains stories about the seduction of students by homosexual teachers!

Even worse, last year two homosexual rights bills passed which were portrayed as simply measures to protect gays from discrimination in the schools but have become vehicles to advance their agenda. Legal counsel for our Dept. of Education recently informed us that certain private schools must comply!

GLSEN has targeted your state. What has happened in California WILL happen in Oregon unless Measure 9 passes. The public schools are not the place to promote or advocate this lifestyle. In California we are engaged in an intense battle to protect our children from propaganda that promotes a lifestyle that could take decades off their lives. However, you now have the opportunity to preempt such a conflict by voting YES on Measure 9.

Assemblyman Steve Baldwin  
 Assemblyman Rico Oller  
 Assemblyman Bruce Thompson  
 Assemblyman George House  
 Assemblyman Dick Ackerman  
 Assemblyman Tony Strickland  
 Assemblyman Howard Kaloogian  
 Senator Ray Haynes  
 Senator Pete Knight  
 Senator Bill Morrow

*(This information furnished by Assemblyman Steve Baldwin.)*

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## ARGUMENT IN FAVOR

Some say supporters of Measure 9 are homophobes, who fear and despise homosexuals. We believe this is true of some supporters of this Measure, and **wish to distance ourselves from those who are motivated by a personal hatred or fear of men and women who practice homosexuality.**

In Romans 1, homosexuality is put in a list of sins such as fornication, covetousness, envy, backbiting, and disobedience to parents. We **abhor the hypocrisy** of those who choose to condemn homosexuality while engaging unashamedly in these other actions.

Having said that, the Bible is the standard by which all men's actions must be properly evaluated and governed. It tells us that civil government is to restrain certain sins by punishing evil-doers (Rom. 13:4).

Clearly, the Bible asserts that **homosexuality is wrong**; it's a sin, an evil, a violation of God's holy Word (Rom. 1; Matthew 5:17-48; Lev. 18:22; 20:13). As such, it must be strongly discouraged by the civil government. On the face of it, then, Measure 9 should be strongly supported.

Homosexual activity is frequently a **life-dominating sin**, and, according to Romans 1, results from a **failure of thankfulness** and submission to God the Creator. In his self-love, the homosexual refuses to accept the God-given "other," or **complement**, as represented in a member of the opposite sex. Ultimately, the homosexual is refusing to love the ultimate "Other," his Creator.

The good news is that, as with all sins, the sin of homosexuality, in spite of the bondage it brings, can be overcome through the work of God in Jesus Christ. Part of the means God uses to effect conviction for this sin is a civil government that not only does not promote it via its schools, but also actively seeks its suppression from the public arena. We hope you vote Yes on Measure 9.

Prepared by the **Parents** Education Association, a family-based, Biblical alternative to the National Education Association.

*(This information furnished by Dennis R. Tuuri, Parents Education Association.)*

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# Measure No. 9 Arguments

## ARGUMENT IN FAVOR

### MEASURE 9 - A COMMON SENSE MEASURE

Measure 9 is a reasonable measure that simply states homosexuality is not to be promoted in public schools.

It's important, however, to answer arguments some have brought against the measure.

**Argument:** This measure is not needed because homosexuality is not being promoted in the public schools.

**Response:** A couple examples of homosexual promotion include an incident at Cleveland High School in Portland last year when the Administration, through the Sexual Diversity Committee, brought in numerous books portraying homosexuality in a positive way. Attempts to bring in a countering view were brushed off.

Another example occurred in Cottage Grove when the Head Start program promoted prohomosexual books called "Heather Has Two Mommies" and "Daddy's Roommate." The effort was promptly curtailed when parents complained. Space does not permit to explain other examples but most people recognize the increasing influence to normalize this behavior that is harmful and immoral.

**Argument:** The state should not dictate curriculum or restrict academic freedom.

**Response:** One wonders if those who oppose this measure on these grounds also oppose state-mandated restrictions on teaching one's religious viewpoint over another or teaching that discrimination is OK? Voters certainly have a right to determine curriculum of the schools they support through their hard-earned tax dollars.

**Argument:** This measure fosters hate, divisiveness and bigotry.

**Response:** These tired cliches are convenient to use to stir up fear when well-reasoned arguments are lacking. Just because one proposes a measure to prevent promotion of a risk-filled and controversial sexual behavior doesn't make them divisive or bigoted.

The bottom line is that this measure doesn't prevent discussion of homosexuality but only the promotion of it. Besides, schools should be teaching about more important matters such as reading, writing, math, science and history. Leave the sex discussion to parents and their children.

### VOTE YES ON 9

*(This information furnished by Nicholas J. Yonker, Concerned Citizens for Sound Education.)*

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## ARGUMENT IN FAVOR

Regardless of your feelings about homosexuality, if you care about parental rights, you should vote Yes on 9. Measure 9 upholds the right of parents to guide the sexual education of their children. Frankly, we don't want any kind of sex outside of marriage to be promoted to school children. Kids are very impressionable and easily molded by their teachers. When the schools present homosexuality in a way that states or implies that homosexuals are born that way, they shape young minds to accept the "gay" side of the debate. What about the families who believe the opposite? Why should their children be taught in a way that contradicts their teachings at home? What if they were teaching one religion instead? It is the same issue. No school has the right to violate the fundamental beliefs of parents.

We believe homosexuality is a choice, but we don't hate the homosexuals or people who believe differently than we do. We get upset, however, when our kids are pushed to accept the pro-"gay" side. They are told that to honor "diversity" they must accept the "gay" view that homosexuality is inborn like race. Excuse us, but no one has ever proved that homosexuality is inborn., even though many people believe that. Even the "gay" movement admits that no biological cause has been found. So how can the schools get away with acting as if this had been proved? If you stop and think about it, what if they are wrong? What if homosexuality can be learned and is therefore a choice, as many therapists and former homosexuals say? If so, we are setting these kids up to be drawn into a lifestyle that could kill them. Maybe you disagree, but you don't think our kids should get the benefit of the doubt, rather than the "gay" activists? Please vote Yes on 9 for basic parental rights.

*(This information furnished by Patricia J. Beck, Parents and grandparents for basic parental rights.)*

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# Measure No. 9 Arguments

## ARGUMENT IN FAVOR

### TEACHING "DIVERSITY" PROMOTES HOMOSEXUALITY

In 1992 high school students, in a mock election, passed the old Measure 9 to stop government promotion of homosexuality. When a reporter from one of the Portland TV stations ask a local school district representative how they were going to correct this situation, she replied that they needed to teach them more diversity.

What is it about the teaching of "diversity" that would change the minds of students regarding the right and wrong of homosexuality? The teaching of "diversity" elevates homosexuality from being an immoral sexual expression to that of being a newly created minority. Just that easy. Cloak it in the colorful wrapping paper of "tolerance" and put on the attractive ribbon and bow of "multiculturalism" and who will know? If anyone does question the actual contents of this package called "diversity," just be so intolerant of him or her that no one will dare continue to question.

But in the real world "is" still means "is." And what's inside the Trojan Horse is more important than the horse. Playing semantics and the parsing of words has trickled down from the Clinton White House into most of the editorial boards of Oregon's newspapers and into the arguments of Oregon's educational elite. However, to thinking people, promotion by any other name is still promotion.

"Diversity" teaches that sexual orientation (homosexuality and bisexuality) is not a sexual sin but a minority on an equal level with one's race, national origin or religion. Since that is what "diversity" teaches, then what are the students suppose to learn? When the students master their "diversity" lessons and embrace homosexuality, it will be because the public schools will have "promoted, encouraged and sanctioned" homosexuality to them. See the proof: [www.yeson9.com](http://www.yeson9.com)

Do you want to stop the promotion of homosexuality to our kids and students in Oregon's classrooms? If you answered YES, then vote YES on Measure 9.

Lon T. Mabon  
Chairman  
Oregon Citizens Alliance

*(This information furnished by Lon T. Mabon, Oregon Citizens Alliance.)*

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## ARGUMENT IN FAVOR

### Teachers & Administrators for Measure 9

Measure 9 discriminates against no one. It does not oppose gay or lesbian teachers, or students. Opponents make nonsensical statements about negative repercussions for homosexuals. Read what the measure actually says. It's message is straightforward. We must not engage in social engineering with children to endorse and promote homosexual/bisexual practices.

Measure 9 protects children from adult attempts to indoctrinate them into believing that homosexuality is natural, inherited and good, and that children should act out any homosexual urges. Children are being told to question their obvious sexual identity and to label themselves as homosexual.

But homosexuality is not genetically predetermined and homosexuals can and do change!

Of the many "gay gene" refutations read *Science*,  
April 23, 1999.  
Also Click on [www.narth.com](http://www.narth.com)

In their effort to change the minds of children, the Portland Public School District's Sexual Diversity Committee has distributed hundreds of books to all grade levels affirming homosexuality under the guise of "safe schools."

Alarmed teachers asked that the list be disseminated to parents but the district refused. Ask the Portland Public Schools for its complete list of books. The district advocates homosexual practices, guidance counselors encourage them, but the assistant superintendent refuses to inform students of the dangers of anal intercourse which range from "gay bowel syndrome" to cancer.

Teachers seeking to balance the district's views were accused of being "hostile and offensive." Guidance counselors threatened not to place certain students with those teachers because their classes were considered "unsafe." The fact is that speaking out has become "unsafe" for teachers.

Become informed about what is happening in schools.  
Email: [measure9info@yahoo.com](mailto:measure9info@yahoo.com)

Children are highly impressionable. Let's not abandon them. We must protect children from indoctrination encouraging aberrant sexual behaviors.

### Vote "Yes" for Our Children!

Educators Leadership Committee:

Larry Ayers, Ed.D.	Stanley Bowman, MS
John Dittmore, BS	Bernadette Kelly, Ph.D.
José Solano, MS Ed.	Terry Williams, MS

*(This information furnished by José Solano, Committee of Concerned Educators.)*

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# Measure No. 9 Arguments

## ARGUMENT IN FAVOR

The Yes on 9 Pastor's Committee represents pastors and Christian leaders all across Oregon who strongly believe Measure 9 should be passed by the voters of Oregon. It is imperative that children in public schools be protected from influences that would be destructive to their morality, their health, and their future.

To present homosexuality in any of its forms as normal, healthy, or acceptable, is to teach children that universal moral laws proven and tested by all cultures in all periods of history are invalid, and that the standards set forth in the Word of God may be ignored and violated with impunity. It is to repudiate the moral standards upheld in our society and schools for the last two hundred years.

The fruits of such violations are destroying our society. Children are without moral compass, and increasing violence, suicide, and sexually transmitted disease are the result. The schools must not be allowed to contribute to the problem by encouraging behaviors that add to it.

Schools should focus on their mandate: To teach reading, writing and arithmetic. They have plenty to do without taking time out to promote and encourage a behavior that is morally wrong and physically destructive to our children.

Schools should not be a recruitment ground for the homosexual community, nor should schools be an advocate for the normalization of such behavior. The passage of Measure 9 will help put a stop to it.

Pastor Max Doner, Chairman, Yes on 9 Pastor's Committee  
 Pastor Kelly Boggs, Valley Baptist church  
 Pastor Darrell Arneson, Brooks Assembly of God  
 Pastor Gerald Schmidt  
 Pastor Larry Dill  
 Pastor Richard T Adams, Greater Portland Baptist Church  
 Pastor Paul Blikstad, Solid Rock Community Church  
 Pastor Ken McCormick

*(This information furnished by Max Doner, Yes on 9 Pastor's Committee.)*

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## ARGUMENT IN FAVOR

Oregonians can send a powerful message to the political and educational establishments on November 7: that schools are a place for learning about reading, writing and history — not homosexual activism. The Student Protection Act will protect innocent students by stopping pro-“gay” educators from using the classroom to legitimize homosexual behavior.

All across the nation, teachers and administrators are turning education into an exercise in pro-homosexual propaganda. The following are just two examples of the brand of “gay” school activism that is already finding its way into Oregon's schools:

- In Boston, young teenagers were recently given how-to lessons on lesbian sex and other homosexual acts at a conference sponsored by the Gay, Lesbian and Straight Education Network, a homosexual group. The “Queer Sex” workshop, advertised for “youth only ages 14-21,” was endorsed by the Massachusetts Department of Education and promoted in city schools.
- On May 17, a teacher in the Boston suburb of Newton told his first-grade pupils that “if he had a partner, it would be a man.” Angry parents asked why they were not notified about the sensitive lesson until after it happened.

Homosexual activists justify their one-sided classroom discussions about homosexuality in the name of compassion, tolerance and “safe schools.” But there is no compassion — or “safety” — in glamorizing homosexuality to students while ignoring the well-documented health risks associated with this behavior. In a July 12, 2000 study in the *Journal of the American Medical Association*, based on a survey of 3,492 homosexual and bisexual men ages 15-22, almost 10 percent of the 22-year-olds tested positive for the AIDS virus. Another study in the *International Journal of Epidemiology* (1997, vol. 26, no. 3) found that homosexuality takes 8 to 20 years off a man's life. Lesbians also face added risks. You can ensure that Oregon's schools will not be used to advance dangerous and immoral behavior. Vote Yes on 9.

Peter LaBarbera  
 Senior Analyst  
 Family Research Council  
 Washington, D.C.

*(This information furnished by Peter LaBarbera, Family Research Council.)*

*(This space purchased for \$500 in accordance with ORS 251.255.)*

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# Measure No. 9 Arguments

## ARGUMENT IN FAVOR

**Measure 9 is right for Oregon's schools and right for Oregon's families.**

Measure 9 will keep Oregon's schools on the right track. With the quality of our children's education more important than ever, public schools need to stay focused on building a strong academic background. If schools promote divisive social issues and indoctrinate children with the homosexual activists' social and political agenda, they do so at the expense of the things our children are really in school to learn.

The homosexual agenda is built around mainstreaming homosexuality—defining homosexual behavior as something morally the same as traditional family life. It's an agenda being promoted in films, in television programs, and even in the way the news is covered. And it's a growing campaign that is waging its battle all across this nation.

But the fact remains: homosexuality is a moral issue, and the decision to embrace a lifestyle that is at odds with our traditional family values has deep implications. If public schools get involved in promoting, encouraging, or sanctioning homosexual behavior, they are usurping the role of parents and families. Shouldn't parents be the ones to teach their children about moral issues like this?

When children are in school, they should be safe from the social and political agenda of homosexual activists. Schools should not be social laboratories, and they should not overstep their bounds by promoting behavior that may run contrary to the values that parents are trying to teach their own children.

Oregon has the opportunity to take a stand for families and the proper focus of our public schools. I urge you to vote YES on Measure 9.

Paul M. Weyrich, President  
The Free Congress Foundation

*(This information furnished by Paul M. Weyrich, Free Congress Foundation.)*

*(This space purchased for \$500 in accordance with ORS 251.255.)*

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## ARGUMENT IN FAVOR

**TEEN SUICIDE**

Defenders of "gay" activism in the schools say that promoting homosexuality to schoolchildren is necessary to prevent suicides. They say that children who struggle with homosexuality must be affirmed as "gays" or lesbians or they may kill themselves. This is illogic with potentially fatal consequences.

First, for schools to base suicide prevention policy on the unproved hypothesis that a child can be "naturally" homosexual is an outrageous breach of their duty to children and parents. What Oregon schools have embraced is not science but a "gay" recruiting strategy. Imagine the pressure "gay questioning" kids (and their parents) must face when they are told that youths risk death if they reject their "gay" identity. How many emotionally vulnerable kids are swept into the "gay" net just because they entertain the thought of trying homosexuality. With increasing pro-"gay" messages in TV, movies and the classroom, how can kids today NOT think about trying homosexuality, even fleetingly?

Second, to suggest that suicide prevention requires affirming a patient's behavior or behavioral tendencies is simply foolish. Criminal behavior, for example, often leads to suicidal thoughts, but no one suggests that we must affirm criminal tendencies to stop suicide.

Third, the common denominator in every suicide is a feeling of hopelessness. The last thing a suicidal young person needs to hear is that there is no hope of recovery from his or her supposed "homosexual orientation." How many teen suicides result from losing one's hope of ever having a normal family life? Yet, schools defiantly cling to "gay" dogma on this point, even in the face of substantial evidence that homosexuals can change.

By adopting a blatantly political and biased suicide prevention policy, Oregon schools have placed pro-"gay" ideology above children's lives and exposed themselves to enormous legal risk of wrongful death lawsuits. Let us hope that Measure 9 goes into effect before a child needlessly dies. Vote Yes on 9.

Scott Douglas Lively, Esq.  
The Pro-Family Law Center

*(This information furnished by Scott Douglas Lively, Esq., The Pro-Family Law Center of Abiding Truth Ministries.)*

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# Measure No. 9 Arguments

## ARGUMENT IN FAVOR

Oregon voters have a tremendous opportunity to reinforce the special role of families and parents in their children's upbringing. Measure 9, if passed, will prohibit public schools from promoting, encouraging, or sanctioning homosexual and bisexual behaviors. It will prevent our public schools from promoting values contrary to the moral and religious views of many parents. Our public schools should focus on educating our children in the basics and not on promoting an anti-family lifestyle. As a result, Christian Coalition of Oregon strongly supports the passage of this measure.

The premise that homosexuality is normal and that homosexual unions are the equivalent of marriage is degrading to marriage and family. The homosexual movement's effort to teach children that this perversion is to be accepted and celebrated must be stopped.

Homosexual activists like to say that no such teaching is occurring, but if that were really true why would they spend millions opposing Measure 9? It is obvious that homosexual "education" actually is a mainstay of their movement. They want to recruit children – if not directly into homosexuality, then into their corps of supporters. Measure 9 will put a stop to the hijacking of our educational system by the homosexual activists.

For the sake of the family, for the sake of your children, vote YES on Measure 9.

Christian Coalition of Oregon  
P.O. Box 30029  
Portland, OR 97294  
(503)669-0104

Lou Beres  
Executive Director

Sandra Sumner  
Administrative Director

*(This information furnished by Lou Beres, Christian Coalition of Oregon.)*

*(This space purchased for \$500 in accordance with ORS 251.255.)*

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## ARGUMENT IN FAVOR

### The Official Legislative Intent For The Student Protection Act

The intent of The Student Protection Act is to protect students and children in all public schools in Oregon from any presentation of homosexuality and bisexuality that would promote, encourage or sanction those behaviors.

For the purpose of this statute, "sexual orientation" is defined as any conduct, action or state of being derived from yielding to urges to be sexual or romantic with a member of the same gender. For the purpose of interpreting and enforcing this statute, this is the definition of "behaviors relating to homosexuality and bisexuality."

The premise of the statute is that the sexual behavior known as "sexual orientation as it relates to homosexuality and bisexuality is...not necessary to public instruction."

The prohibition enforcing the premise of the Student Protection Act is that such behaviors shall not be presented in a public school in a manner which encourages, promotes or sanctions these behaviors.

The term public school means any school within the State of Oregon that receives funding from the public. For the purposes of this statute the term "Notwithstanding any other law or rule" means this statute takes controlling authority over all other relating rules or laws regarding, but not limited to, the terms "public schools" or "sexual orientation."

For the purposes of this law, the definitions for the words "encourages, promotes or sanctions" are among those found in *Black's Law Dictionary* and which are as follows:

- 1) Encourages. ...to instigate; to incite to action; to give courage to; to inspire; to embolden; to raise confidence; to make confident; to help; to forward; to advise. See aid and abet.
- 2) Promote. To contribute to growth, enlargement, or prosperity of; to forward; to further; to encourage; to advance.
- 3) Sanction, V. To assent, concur, confirm, ...or ratify. U.S. v Tillinghast, D.C.R.I., 55 F.2d 279, 283. Approval or ratification.

Lon T. Mabon, Chief Petitioner  
Phillip Z. Ramsdell, Chief Petitioner

*(This information furnished by Lon T. Mabon, OCA Student Protection PAC.)*

*(This space purchased for \$500 in accordance with ORS 251.255.)*

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# Measure No. 9 Arguments

## ARGUMENT IN FAVOR

Oregon public school students have experienced over a decade of pro-homosexual speakers, skits, books, and films. Public school educators admit referring sexually troubled youth to outside homosexual organizations that affirm homosexual behavior, and are including them in student handbooks as resources. Some students have been told they need to experiment to discover their true sexual orientation. Some Portland schools considered purging the term marriage as too biased against homosexuals. In the *Oregonian* (11/19/99), six high school teachers accused the public schools of condoning, affirming, and encouraging homosexual behavior. The film, "It's Elementary," promotes acceptance of homosexual behavior, ridicules views of conservative and Christian parents, and is promoted for use in elementary schools, along with books like "Heather Has Two Mommies" and *Daddy's Roommate*."

Public schools teach that homosexual orientation is genetically pre-determined yet a Columbia University review of 135 studies found no evidence of a biological determinant for homosexual behavior. The only adopted-away twin study (ruling out environmental influences) found a concordance rate of zero for homosexual behavior. Dean Hammer, homosexual research scientist whom media claimed located the "Gay Gene" later acknowledged in *Time* magazine (4/27/98) that all genes determine is temperamental traits which can be controlled by exercising character. Hammer has also concluded that being a Lesbian is culturally transmitted, not inherited.

Homosexual behavior is still considered immoral by a substantial majority as demonstrated by national polling and recent election results in Hawaii, Alaska and California. It is also potentially lethal! 30% of 20 year old homosexuals will be HIV positive or dead of AIDS by the time they are age 30! A U.S. Centers for Disease Control and Prevention study indicated 30% of HIV-free individuals, using condoms with HIV-positive individuals, will get HIV/AIDS!

It is an act of love, not hate, to protect children from "politically correct but factually incorrect" liberal dogma capable of destroying their lives physically, morally and spiritually!

Barry D. Williams  
Lane Co. OCA

Orin K. Camenish  
Klamath Co. OCA

*(This information furnished by Barry D. Williams, Lane County OCA.)*

*(This space purchased for \$500 in accordance with ORS 251.255.)*

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## ARGUMENT IN FAVOR

### WE MAY BE YOUNG -- BUT WE'RE NOT UNINFORMED

We may be young but we know that teaching homosexuality in our schools is a bad idea.

An example of what is being forced on us in our schools is the "Five Oaks" incident. A group of boys from Five Oaks Intermediate School in Beaverton were shown a film called "Stale Roles and Tight Buns." Boys who were in attendance at the seminar said that after the film the teacher told them to try "gay" sex "at least twice" and then advised them on condom use. When confronted, the school hired an investigator who was later revealed to be the chairman of the "No on 13 Committee" which was the pro-homosexual opposition to Ballot Measure 13. (*Oregonian*, 07/24/94, *Statesman Journal*, 09/10/94)

They don't talk about it much with their parents, but teenagers are very familiar with "gay" activism in schools. There is tremendous pressure to accept homosexuality as being like race, even though we all know it is behavior. But those of us who think it is wrong are looked down upon, like racists.

We don't need teachers in schools forcing their pro-homosexual values down our throats. We are intelligent enough to decide for ourselves, within our families, whether homosexuality is wrong or right. We don't need homosexuality promoted to us as an "alternative lifestyle" in our schools. We have many sources we can use to obtain information about homosexuality if we want it.

We need a school system that teaches us to read and write, not a school system that promotes values contrary to those values we have already learned at home.

Please affirm our right to decide for ourselves what is right and wrong by voting YES on measure 9.

OCA Underground is a group of teens who are committed to impacting our culture through activism. Please visit our website at: [www.ocaunderground.org](http://www.ocaunderground.org) for more information about Measure 9.

Jeremy Bowen, 19, president of OCA Underground.

*(This information furnished by Jeremy Bowen, OCA Underground.)*

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# Measure No. 9 Arguments

## ARGUMENT IN FAVOR

### HOMOSEXUALITY FROM THE PERSPECTIVE OF RIGHT AND WRONG

1) It is self-evident that the act of sodomy is biologically unnatural. Simple anatomy teaches us that the body parts used in this act are not made for the function described in the word "sodomy." In fact, many male homosexuals develop severe rectal problems. What happens sometimes is that the Sphincter muscle simply becomes useless with the end result being, at worst, a colostomy or at best, the constant use of protective garments required for life. Anyone with an honest mind must acknowledge that this is an unnatural act. We should not be condoning it to our students.

2) The facts support the truth that those who engage in homosexuality contract sexually-transmitted diseases (some fatally) at disproportionately higher levels than the norm. In America, homosexuality remains the number one transmitter of AIDS that is 100% deadly. Do we really want our kids and grandkids to be told that this lifestyle is healthy and normal?

3) The God of the Bible clearly states that He created human beings, male and female, and He intended them to be for each other -- Genesis 2:21-25. Under the Old Covenant, homosexuality was called an abomination to God and He prescribed the severest punishment -- Leviticus 18:22. The New Testament teaches that homosexuality is "against nature," that it constitutes "vile passions," "uncleaness," and that it is "shameful" -- Romans 1:24-32. I Corinthians 6:9-10 says that those engaging in such behavior cannot inherit the Kingdom of God. There is no doubt that homosexuality is against the known will of God. Homosexuality is wrong and immoral. But it also says, "such were some of you," Verse 11, meaning individuals were coming out of that lifestyle. Homosexuality is not innate; you don't have to feel hopeless. God says homosexuality is wrong, but in Christ, He can also free you from sexual addiction.

Marsha A. Weber  
Bonnie J. Mabon  
Lon T. Mabon  
Restoration Ministries of Oregon

*(This information furnished by Lon T. Mabon, Restoration Ministries of Oregon.)*

*(This space purchased for \$500 in accordance with ORS 251.255.)*

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## ARGUMENT IN FAVOR

### NO SPECIAL RIGHTS FOR LEFTS!

Stop the **promotion** of left-handedness in the public schools!

My friends, common sense and traditional time-tested dexterity prove that **left-handedness is simply wrong**. Writing with your right hand is **natural law--WRITE MEANS RIGHT!** Righteous people know the difference between right and left!

According to the *Encyclopaedia Britannica* (1944), "The percentage of left-handedness . . . is much higher among inmates of institutions for the **feebleminded** and the **psychopathic**." Yet these "biological errors" are campaigning for special recognition as a legitimate minority to **force** you to accept their immoral behavior. Worse yet, the schools are encouraging **deviant-handed diversity** and facilitating the use of **sinful southpaw scissors!**

The **Bible** says, "A wise man's heart is at his right hand; but a fool's heart at his left" (Ecclesiastes 10:2), and "Then shall he say also unto them on the left hand, Depart from me, ye cursed, into the **EVERLASTING FIRE**" (Matthew 25:41).

"Theories relative to handedness vary in their treatment of it as an acquired or a native trait," says the *Britannica*. Many experts believe that **left-handedness is learned and can be corrected**. With repentance and reparative therapies, sinners caught in the lecherous leftist lifestyle can be converted and cured. Yes, right righteousness and healthy handedness is possible! Many ex-southpaws have become **normal, happy right-writers**. Some have even held hands, gotten married, and had children!

But the **militant leftist lobby** says they were "born that way." They cite evidence that it's genetic, morally neutral, and normal! **Well, that doesn't mean we have to teach children that it's OK to respect people who are different!** Any nonjudgmental mention of left-handedness is "promotion" of wrong behavior, encouraging **vulnerable young children** to experiment with **alternative handedness!**

Since right-thinking people believe that **wrong-handedness is immoral**, we will **force** the schools to teach only **OUR** beliefs to **YOUR** children!

**AGREE WITH US OR BURN IN HELL!**

*(This information furnished by M. Dennis Moore, Oregon Right-Handed Righteousness Alliance.)*

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# Measure No. 9 Arguments

## ARGUMENT IN FAVOR

### LON IS TOO LIBERAL!

According to Leviticus in the Bible, oysters are **UNCLEAN** and an **ABOMINATION--just like homosexuality!**

Oyster-eating is a behavior, as is all dietary activity. **Some foods are good, some are wrong.** The government should not be forcing acceptance of oyster-eating on its citizens by sanctioning **deviant dietary behaviors.**

What a person eats, or with whom, is not the kind of activity for which we should create a minority classification, granting oyster-eaters "**special protection**" from discrimination similar to diabetics.

It is **not** discrimination to make a moral judgment about **filthy foods** by firing and evicting oyster-eaters!

My friends, did you know that oysters undergo **SEX CHANGES?** Furthermore, the average oyster-eater ingests **five teaspoons of oyster excrement** per year! **IT'S DISGUSTING!**

Public money must not be used to teach children that a **dangerous and divisive diet** is merely an "alternative" to healthy foods and traditional nutritional values.

The militant oyster agenda to recruit your children into the sinful shellfish lifestyle under the disguise of dietary diversity and balanced menus is **anti-Beef bigotry.** It's a culinary culture war! **SURRENDER, OYSTER-EATERS!**

But banning public school "promotion" of homosexuality, wrong-handedness, and oyster-eating is not enough! **Many other people have sincere and deeply held moral prohibitions as well.** The Amish don't drive cars. Christian Scientists don't believe in medicine. Jehovah's Witnesses don't salute the flag. Mormons don't drink Coca-Cola. Muslims believe that **dogs are unclean.** Baptists believe that **dancing is IMMORAL.**

Let's eliminate driver education! Fire school nurses! Forbid the flag salute! Condemn and cure the sick sinners caught in the **corrupt Coca-Cola lifestyle!** Ban books portraying dogs in a positive or neutral manner! **And stop promoting the perverted prom!**

**PURIFY THE SCHOOLS!  
ELIMINATE EVERYTHING THAT OFFENDS ANYONE!**

Visit [www.specialrighteousness.org](http://www.specialrighteousness.org) on the Web.  
(Box 1851, Portland, 97207)

**HEY, LON!  
FILE BALLOT MEASURES UNTO OTHERS  
AS YOU WOULD HAVE THEM  
FILE MEASURES UNTO YOU!**

*(This information furnished by M. Dennis Moore, Special Righteousness Committee.)*

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## ARGUMENT IN OPPOSITION

### The Oregon Parent Teacher Association Opposes Measure 9

**PROHIBITS PUBLIC SCHOOL INSTRUCTION  
ENCOURAGING, PROMOTING, SANCTIONING  
HOMOSEXUAL, BISEXUAL BEHAVIORS**

### Don't Let The Ballot Title Fool You!

There is **NO** curriculum in Oregon public schools that "encourages or promotes" homosexuality or bisexuality. By attacking a "problem" that doesn't exist this measure endangers the health of our children and the quality of our schools.

The Oregon PTA opposes all legislative attempts to suppress information about family diversity and sexual orientation. We oppose statewide attempts that dictate to teachers how they may approach teaching subjects. This is about **local control!** these are decisions that need to be made by local school boards, accountable to the parents and students they serve.

If Measure 9 passed it would cut:

- 1) Access to **all** health education related to sexuality including abstinence, birth control, sexually transmitted diseases, and HIV/AIDS. It would deny **all** students information they need to make responsible, healthy choices. Given that our youth are among the fastest growing population of those at risk for HIV/AIDS -- we cannot afford to ignore this danger to our kids.
- 2) Counseling or support programs for **all** adolescent students, making it even more difficult for teenagers to come to terms with their sexuality or for counselors to give teenagers information about support groups.
- 3) State funding could be cut because of what one person might say. We can't let the agenda of one extremist organization endanger the health of our children and the quality of their schools

The most basic objective of the PTA is to promote the welfare of ALL children.

**ALL of our kids deserve the best we have to offer,  
regardless of their family background, culture, religion,  
color, or sexual orientation.**

Measure 9 attempts to suppress vital information that protects the health of our children, removes local control, and is discriminatory, the Oregon PTA opposes Measure 9.

Kathryn Firestone, President  
Lisa Laursen Thirkil, Vice President for Legislation  
The Oregon PTA

*(This information furnished by Kathryn Firestone, President, Lisa Laursen Thirkil, Vice Pres. for Legislation; Oregon PTA.)*

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# Measure No. 9 Arguments

## ARGUMENT IN OPPOSITION

### Measure 9 will hurt every child in Oregon.

We are PFLAG: Parents, Families and Friends of Lesbians and Gays. We are parents who have watched the Oregon Citizens Alliance (OCA) and other well-funded extremist groups torment our children for the last 12 years, and **we have had enough**. This measure will hurt, not only our gay children, but every child in Oregon. Help us protect the health and safety of ALL Oregon's children and vote no on 9.

Because we are parents of both gay and non-gay children, PFLAG is concerned about the health and safety of ALL children. Measure 9 threatens the health and safety of our children because it would:

- eliminate effective, life saving education about sexually transmitted diseases
- allow harassment and discrimination already present in schools to worsen
- give extremists the power of cutting off public funds to our schools

Protection from teen suicide and AIDS demands comprehensive knowledge which our licensed teachers and school counselors can best provide. Measure 9 will limit such knowledge by removing factual information from libraries, gagging teachers, and curtailing the services of counselors. This law silences the Oregonians whom we have entrusted to protect all of our children.

Children who are perceived to be gay suffer unremitting harassment and discrimination in school. Measure 9 would encourage schools to ignore their responsibility to protect EVERY student from such treatment. Measure 9 would continue to teach children to discriminate. Measure 9 would protect bullies.

Measure 9 threatens schools and community colleges with vague, undefined budgetary retribution. Who will define the language of this law? Who is going to decide who is breaking this law? The OCA? And, how much is it going to cost our schools? Protect all of Oregon's children.

### VOTE NO ON 9!

PFLAG OREGON STATE COUNCIL with chapters in: Ashland, Bend, Coos Bay, Corvallis, The Dalles, Eugene, Forest Grove, Pendleton, Portland, and Salem.

*(This information furnished by Donna Zenobia Saffir, PFLAG Oregon State Council.)*

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## ARGUMENT IN OPPOSITION

### PLANNED PARENTHOOD in Southern Oregon Opposes Measure 9

DANGEROUS FOR OUR CHILDREN  
DANGEROUS FOR OUR SCHOOLS

**Planned Parenthood has been a name you could trust for more than three decades in Oregon. And, we oppose Measure 9**

At a time when our kids need MORE information, Ballot Measure 9 demands we RESTRICT information.

**We need to support and encourage schools to provide accurate information to teens. Measure 9 would prevent our schools from giving students the very information they need to keep them safe and healthy. That's why Measure 9 is dangerous.**

**FACT:** Oregon's youth need straightforward information in order to make responsible decisions about the prevention of diseases like HIV/AIDS;

**FACT:** Currently, Oregon is seeing a decline in the prevalence of sexually transmitted infections among teens...a decline directly attributable to a record high awareness of such diseases among youth (*8/9/00 Oregonian*);

**FACT:** Oregon's parents, like parents everywhere, support sex education and HIV/AIDS prevention (82%) in the schools—we all want the best for our kids, we want to help them make decisions that will support a healthy future;

**FACT:** Local parents, teachers and schools already work together to address sex education and HIV/AIDS prevention, this measure is unnecessary and threatens the very programs we need to keep our young people safe and healthy.

### Planned Parenthood Urges You to Vote No on Measure 9!

Measure 9 is dangerous for our kids and dangerous for our schools!

Bill Sheppard Executive Director Planned Parenthood Health Services of Southwestern Oregon	Reverend Paul B. Robinson Board Member Planned Parenthood Medford, Oregon
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*(This information furnished by Bill Sheppard, Executive Director, Planned Parenthood of Southwestern Oregon.)*

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# Measure No. 9 Arguments

## ARGUMENT IN OPPOSITION

**PLANNED PARENTHOOD OF CENTRAL OREGON  
OPPOSES MEASURE 9  
Dangerous to Oregon's Kids.  
Dangerous to Oregon's Schools.**

We're Planned Parenthood. For years, we have been working with young people who need to make important decisions about their future, and we have led the way in providing responsible information. We oppose Measure 9 because it's just plain dangerous to Oregon's kids.

Measure 9 is also dangerous to Oregon's schools. Planned Parenthood supports responsible sex education and HIV/AIDS prevention in Oregon's public schools. We have been fighting to ensure that kids get the information they need to keep them safe and healthy.

**Measure 9 would jeopardize sex education and AIDS prevention classes in our public schools. Please don't let that happen!**

The Facts:

Oregon's students need honest information in order to make responsible decisions about the prevention of diseases like HIV/AIDS

Responsible sex education has already had a positive impact on our kids. According to *The Oregonian* (8/9/2000) "HIV/AIDS became mainstream enough in the 1990s to scare teenagers, while awareness of sexually transmitted diseases is at an all-time high"

Information, not ignorance, will help students learn how to avoid sexually transmitted diseases and HIV/AIDS

**The Truth Is:**

**Measure 9 puts our kids at risk by denying them access to information about HIV/AIDS prevention and sex education. And, that's just being unrealistic!**

**Planned Parenthood Urges You to Vote No on Measure 9**

Aylett Wright  
Community Education and Training Coordinator  
Planned Parenthood  
of Central Oregon

Phyllis Pengelly  
Registered Nurse  
Planned Parenthood  
Bend, Oregon

*(This information furnished by Aylett Wright, Planned Parenthood of Central OR.)*

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## ARGUMENT IN OPPOSITION

**PLANNED PARENTHOOD OPPOSES MEASURE 9  
BECAUSE IT'S...  
Dangerous to our kids. Dangerous to our schools.**

Planned Parenthood knows the importance of good family communication. And, we have always encouraged it. At the same time, you count on us to provide honest information and counseling. For more than 30 years, you've depended on us to give you the facts. Planned Parenthood opposes Measure 9 because it's dangerous to our kids.

Planned Parenthood also knows the importance of responsible sex education and HIV/AIDS prevention in Oregon's public schools. Teens need access to critically important information that will ensure their healthy future. Planned Parenthood opposes Measure 9 because it's dangerous to our schools.

**HERE'S WHAT MEASURE 9 WOULD DO!**

Measure 9 would:

- Reverse years of progress that we have made as a community, and as a state, in promoting policies to give our kids information they need to make responsible decisions about their future
- Threaten the very programs which are critically needed to keep kids on the right track...to help them make good choices...to help them resist the destructive media images they are bombarded with daily
- Restrict information at the very time when students need MORE information, not less

**That's why Planned Parenthood, Nurses, Doctors,  
Counselors and Health Professionals  
ALL Oppose Measure 9!**

Measure 9 is dangerous for Oregon's kids!  
And Oregon's Schools!  
Don't be misled...

**PLEASE VOTE "NO" ON MEASURE 9!**

Lois Backus  
Executive Director  
Planned Parenthood  
of the Columbia/Willamette

Robin Klotz  
Registered Nurse  
Planned Parenthood  
Beaverton Center

*(This information furnished by Robin Klotz, Planned Parenthood.)*

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# Measure No. 9 Arguments

## ARGUMENT IN OPPOSITION

### The League of Women Voters of Oregon Urges You To Vote No on 9

The League of Women Voters is a grassroots, nonpartisan organization which encourages informed and active participation in government. Since 1920, the League of Women Voters has worked to educate voters and strengthen the democracy.

**The League Opposes Measure 9** because it violates a citizen's individual rights as well as the basic right to privacy. Respect and fairness under the law would be denied.

Our schools should help students learn how to participation the democratic process, not undermine it.

Oregonians have consistently opposed measures, which segregate certain individuals for the purpose of denying them their rights as citizens.

**Measure 9 is yet another attempt to bring divisiveness into our society.**

Join the League of Women Voters in Voting No On 9

*(This information furnished by Paula Krane, President, League of Women Voters of Oregon.)*

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## ARGUMENT IN OPPOSITION

### Oregon Pediatric Society Says: Protect All Oregon Children

Vote No on 9

### Measure 9 is Bad for Children

The mission of the Oregon Pediatric Society is to attain optimal physical, mental and social health and well being for all infants, children, adolescents and young adults.

**We oppose Measure 9.**

- **Measure 9 Puts Needed Information at Risk.** Measure 9 will limit basic sex education, learning about and prevention of diseases such as AIDS and HIV, and about other topics that will keep Oregon children safe and healthy for their entire lives.
- **Measure 9 Will Harm Oregon Children.** Measure 9 would forbid trusted teachers, counselors and school-based health care professionals from referring teens to outside resources when they feel confused about their sexual orientation. With a large percentage of teen suicide attempts by gay and lesbian youth, we can't afford to put students at risk by denying them basic information needed to make responsible choices.
- **Measure 9 Puts Funding for Our Schools at Risk.** Schools that violate this measure could suffer the loss of their state funding. We should be sending the message to our children that they are worth more money, not less.
- **Measure 9 Puts Our Common Values at Risk.** Our schools should be places that promote respect and remain welcome and safe for all students. Measure 9 does the opposite by closing the doors to certain members of our community.

**Let's work together to create an Oregon where ALL of our children can thrive and be safe.**

**Vote No on Measure 9**

Oregon Pediatric Society  
A Chapter of the American Academy of Pediatrics

*(This information furnished by James K. Lacey, M.D., F.A.A.P., Oregon Pediatric Society.)*

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# Measure No. 9 Arguments

## ARGUMENT IN OPPOSITION

**The Oregon Education Association  
Urges You To  
Vote No on Measure 9**

**Measure 9 teaches intolerance and disrespect.** Oregon teachers and educators are united in their opposition to Measure 9. It stabs at the heart of who we are as educators. In our classrooms we strive to meet the needs of all our students. We do not single out or target differences among them. We teach tolerance and respect. **Vote No on Measure 9.**

**Measure 9 puts Oregon's students at risk.** As educators, we can not place Oregon's students at risk by avoiding the realities of the world in which they live. This measure threatens sex education programs and could eliminate critical information at a time when education is most needed. Students should not be denied basic information needed to make responsible choices. **Vote No on Measure 9.**

**Measure 9 does nothing to solve education's problems.** Measure 9 is a distraction from the real challenges facing our schools, like overcrowded classrooms and stable funding. This measure does nothing to solve these problems. **Vote No on Measure 9.**

**Measure 9 sets a dangerous precedent for public education.** Special interest groups should not dictate what is taught and not taught in Oregon's public schools. The Oregon Education Association is composed of thousands of teachers and other public school employees from across the state. As education experts, we ask that you allow us to do our job, guiding our students and your children into the future, without interference from special interest groups. **Vote No on Measure 9.**

James K. Sager, President  
Oregon Education Association

*(This information furnished by James K. Sager, President, Oregon Education Assoc.)*

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## ARGUMENT IN OPPOSITION

**LIBRARIANS OPPOSE MEASURE 9  
Vote No on 9**

The special interests that want to limit access to information are at it again. The purpose of Measure 9, as it pertains to school libraries, is clear. It is to tell local communities what books they can and cannot have in their schools.

**Education is at Stake  
Vote No on 9**

All institutions that use public funds for education, even colleges and universities, could be prohibited from purchasing books that could be thought to encourage, promote or sanction homosexuality. That's very vague. And if elementary, secondary or community colleges don't follow this measure, they could have their funding cut.

**Oregon Values are at Stake  
Vote No on 9**

Many college and university libraries have subscriptions to newspapers. If one paper contained a letter to the editor expressing an individual's acceptance of homosexuality, would that paper be banned? Would the college or university have its funding cut for having that newspaper on the shelf? In Oregon we appreciate fairness, and Measure 9 is not fair.

**Local Control is at Stake  
Vote No on 9**

Measure 9 and the censorship it brings is dangerous for our schools. Outside groups with special interests would be making decisions for our schools, and not local people whose job it is to work with kids.

**Please join Oregon librarians in voting No on Measure 9.**

- |                                    |                             |
|------------------------------------|-----------------------------|
| Janet Webster, Newport             | Terry Rohe, Portland        |
| Richard Sapon-White, Corvallis     | Ed House, Albany            |
| Nancy Spaulding, Beaverton         | Connie Bennett, Silverton   |
| Nancy Kuhlman, Salem               | Lorrie Kovell, Phoenix      |
| Cindy Gibbon, Lake Oswego          | Ronnie Lee Budge, Medford   |
| Jim Scheppke, Salem                | Margaret Jakubcin, Williams |
| Anne Van Sickle, McMinnville       | Charles Stark, Shady Cove   |
| Sylvia Lee, Medford                | Robert Wilson, Talent       |
| Meghan O'Flaherty, Medford         | Anne Billeter, Medford      |
| Sara Charlton, Tillamook           | Bonnie Allen, Corvallis     |
| Ruth Allen, Portland               | Diedre Conkling, Newport    |
| Carolynn Avery, Corvallis          | Kathleen Duffy, Bend        |
| Jill Heffner, Lincoln City         | Angela Reynolds, Portland   |
| Colleen Bell, Eugene               | Mary Norman, Lake Oswego    |
| Jeanne Rockwell-Kincanon, Monmouth |                             |

*(This information furnished by Terry Rohe, President, Oregon Library Association.)*

*(This space purchased for \$500 in accordance with ORS 251.255.)*

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# Measure No. 9 Arguments

## ARGUMENT IN OPPOSITION

Rural Oregon says vote No on 9.

Public schools are important to rural communities. As rural Oregonians we want our communities, not the OCA, to control education.

None of our schools "promote homosexuality" as Lon Mabon charges. And every student deserves to attend school safe from physical and psychological harassment.

Ballot Measure 9 puts students in danger by tying the hands of educators as they work to make schools a safe and productive learning environment for all students.

The OCA measure would:

- \* Limit what teachers can say in health, literature and history classes
- \* Make the OCA the authority, rather than people in our communities, on the meaning of "promoting homosexuality"
- \* Put good teachers and counselors at risk simply for being honest and caring

The groups signed below believe fairness and respect are core values Oregon schools should promote. The OCA would take that away.

Vote No on 9.

Rural Organizing Project members:

- Baker County People for Human Dignity
- Chehalem Valley Coalition for Human Diversity
- Clatsop County Human Relations Task Force
- Coalition to End Bigotry
- Columbia County Citizens for Human Dignity
- Community Voices for Human Rights – Hood River
- Concerned Citizens of Lake County
- Coastal AIDS Network – Lincoln County
- Cottage Grove Community Action Network
- Curry County Citizens for Human Rights
- Democracy and Sustainability League of Pendleton
- Douglas County AIDS Council
- Estacada Citizens for Fairness
- East Metro Human Rights Coalition
- Hispanos Unidos of Lake County
- Hipfish Arts and Culture Monthly
- Human Dignity Coalition
- Human Rights Advocates of Coos County
- Illinois Valley Task Force for Social Justice
- Josephine County Human Rights Alliance
- Klamath County Coalition for Human Dignity
- Movimiento de Unidos de Latinos En Accion
- Neighborhood Women of Oregon
- Neighbors Talking to Neighbors
- North Coast Gay Pride Network
- PFLAG Eugene/Springfield
- PFLAG Pendleton
- Peace House
- Progressive Options
- Sexual Minority Youth Task Force
- Siuslaw Peace Force
- Tillamook County Citizens for Human Dignity
- Together Works
- Washington County Coalition for Human Dignity

*(This information furnished by Kelley Weigel, Co-Director, Marcy Westerling, Co-Director; Rural Organizing Project.)*

*(This space purchased for \$500 in accordance with ORS 251.255.)*

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## ARGUMENT IN OPPOSITION

**School Based Nurses  
Vote no on 9!**

As School Based Nurses we oppose Measure 9 -- it endangers the health of students.

**Measure 9  
Dangerous to Oregon Schools.**

Measure 9 will put the government in charge of dictating what health care professionals can and cannot discuss with their patients in schools. This is a violation of the relationship between patients and their care providers.

**Measure 9  
Dangerous to the Health of all Kids.**

As nurses, we care about the kids, and that is why we are so concerned about Measure 9. Measure 9 does nothing to protect children --- in fact, it puts them in harm's way.

Measure 9 will severely limit information on basic sex education and HIV prevention. That puts every Oregon student at risk. It is wrong to deny our kids the information they need to stay healthy.

**Measure 9  
Dangerous to Kids in Need.**

According to the U.S. Department of Health and Human Services, gay and lesbian teens are at far greater risk of suicide, school drop-out, violence and drug use. Measure 9 would prevent school nurses or counselors from even discussing one very important factor in their mental health and behavior.

Measure 9 would place a "gag rule" on school health care professionals that would put their job at risk even if they were only answering the health care questions of their patients.

**Measure 9  
Discriminates in Health Care.**

How can we possibly say the physical and mental health care needs of some kids are higher priorities than others?

Some kids experiment. Some kids are discovering they are different than the majority. Some kids are abused. And some kids come from non-traditional families. If Measure 9 passes some kids will be able to talk about these issues with a trained health care professional in their school and some kids will not.

**Vote "NO" On 9**

Nancy Malone NP, Gold Hill --- Jean DeJarnatt NP, Salem ---  
Bunny Lewis NP, Ashland

*(This information furnished by Martin Taylor, Nurses United.)*

*(This space purchased for \$500 in accordance with ORS 251.255.)*

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# Measure No. 9 Arguments

## ARGUMENT IN OPPOSITION

**Measure 9 is Dangerous for the Health of Oregon's Children  
Measure 9 is Dangerous for the Health of Oregon's Schools**

As social workers, we seek to enhance the effective functioning and well being of individuals, families, and communities.

**We oppose Measure 9.**

**Measure 9 is a Threat to Every Child in Oregon**

- Every student deserves to have factual information presented to them about HIV and AIDS prevention, and Measure 9 places that information at risk because such education programs would be severely limited or eliminated.
- Every student deserves to have adequate support services and counseling, and Measure 9 places those services at risk. With a large percentage of teen suicide attempts by gay and lesbian youth, we can't afford to put students at risk by denying them basic information needed to make responsible decisions. And we can't stand to lose any teen to suicide. Cutting services to students who are troubled and seek counseling simply does not make sense.

**Measure 9 is a Threat to Every Public School in Oregon**

- Schools need adequate and stable funding. Measure 9 places that funding at risk because one wrong word by one person could jeopardize the school's public funds. Now is the time to work together to secure stable funding for our schools so our children have the excellent education they deserve.
- Parents, teachers and local officials need to have input into our local schools. Measure 9 hands over more power to bureaucrats who are not in touch with each community's needs.

**Measure 9 does nothing but hurt our children and place them and our schools at risk.**

**Join us!  
Vote No on 9.**

*(This information furnished by Mark F. Oldham, Oregon Chapter of the National Association of Social Workers (NASW).)*

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## ARGUMENT IN OPPOSITION

**Catholic Committee  
People of Faith Against Bigotry  
Oppose Measure 9**

**VOTE NO ON 9**

**As Catholics, we call for fairness for all Oregonians.**

**Measure 9 Puts Our Ability to  
Live Our Shared Values at Risk**

Our values call us to be fair and respectful of all people. We Catholics were once hated in Oregon. The Ku Klux Klan attacked us and damaged our churches. People said Catholics would corrupt children, harm schools and destroy families. In 1922, Oregonians voted to take away our right to educate children.

We cannot support a law that takes away the strides we Oregonians have made that promote fairness and respect.

**VOTE NO ON 9**

Our Bishops call us to accept and love gay and lesbian people. In its 1997 statement "Always Our Children: A Pastoral Message to Parents of Homosexual Children and Suggestions for Pastoral Ministries", our bishops teach us that it is not sufficient only to avoid unjust discrimination. Homosexual persons "must be accepted with respect, compassion and sensitivity". (National Conference of Catholic Bishops' Committee on Marriage and Family)

**VOTE NO ON 9**

As Catholics we must reject this type of law because it may lead to misunderstanding and intolerance toward gays and lesbians, potential for discrimination and harmful, divisive battles.

**Please join the Catholic Committee of  
People of Faith Against Bigotry and**

**VOTE NO ON 9**

Sister Kathleen Stupfel, SNJM  
Sister Carole Strawn, SNJM  
Mary Anderson

*(This information furnished by Mary K. Anderson, Sister Kathleen Stupfel, SNJM; Catholic Committee, People of Faith Against Bigotry.)*

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# Measure No. 9 Arguments

## ARGUMENT IN OPPOSITION

Argument Opposed: Legal Rights are Fundamental to American Values

We stand firmly against efforts of the Oregon Citizens Alliance to establish laws that would legalize discrimination against citizens of Oregon who are homosexual.

Civil rights for all people is a basic value of our culture and of our country. Many in our history have been inspired by this central value to struggle for and win civil rights for themselves and others. Protecting this value means upholding the rights of many diverse groups. It also means defending against those who would impose on the public their own, narrower standard of who is deserving of civil rights.

Ballot measure 9 attempts to establish legal discrimination against one group of citizens, while at the same time insisting that it would not take away any constitutional rights from them.

Don't be misled: Measure 9 does indeed threaten the civil rights of Oregon citizens.

We believe it is the government's obligation to secure the well being of all citizens, not bow to the pressures of special interest groups which seek to advance their private agendas at the expense of others.

It is extremely important that all of us be aware and resist the influence of special interests like the OCA which threaten to weaken our democracy.

We urge you to vote No on Measure 9.

COALITION TO END BIGOTRY (CEB)

OREGON WOMENS' RIGHTS COALITION

AMERICAN ASSOCIATION of UNIVERSITY WOMEN of OREGON

OREGON WOMEN'S POLITICAL CAUCUS

LARRY R. OBERG

GARY M. KLEIN

ALICE M. BARTELT

TED OLKOSKI

FLORENCE OLKOSKI

OREGON COMMON CAUSE

*(This information furnished by Florence Olkoski, Oregon Common Cause.)*

*(This space purchased for \$500 in accordance with ORS 251.255.)*

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## ARGUMENT IN OPPOSITION

**The ACLU of Oregon says  
VOTE NO ON 9—AGAIN!!**

Twice Oregonians have rejected the OCA's anti-gay ballot measures for good reasons. This year the OCA may have narrowed its focus, but the intent remains the same: **to force the government to promote the OCA's special interest view of sexuality.**

**Here are more reasons** to vote NO on Measure 9:

- **Measure 9 will require censorship of HIV/AIDS preventative education** to avoid any appearance of "sanctioning" homosexuality.

**That's scary.** Whether we like it or not, we live in a world with HIV/AIDS and other sexually transmitted diseases. Our young people need to have medically accurate information about HIV prevention and sex education so they can make responsible decisions.

- **Measure 9 puts students at risk** because educators must remain neutral when they hear homophobic remarks or witness harassment of gay students.

**That's wrong.** Our schools should foster respect and tolerance of all people.

- **Measure 9 is not fair** because it will eliminate existing policies that promote fair treatment of gay and lesbian students in our public universities, community colleges and schools.

**That's a step backwards.** Promoting fair treatment of students does not mean a school is promoting homosexuality. Most Oregonians believe in fairness for everyone.

- **Measure 9 will have serious legal consequences** for our public schools and students. Local schools will have to deal with legal and administrative challenges whenever the OCA thinks a school is "sanctioning" homosexuality.

**That's a legal nightmare and a waste of tax dollars.** Don't let the OCA control your local school.

**Your NO vote matters.  
Say No to the OCA one more time.**

**VOTE NO ON MEASURE 9!!**

For more information write the Oregon ACLU at  
PO Box 40585, Portland 97240  
or go to [www.aclu-or.org](http://www.aclu-or.org)

*(This information furnished by David Fidanque, American Civil Liberties Union of Oregon.)*

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# Measure No. 9 Arguments

## ARGUMENT IN OPPOSITION

Commissioner Sorenson Urges a "No" Vote AGAIN on Measure #9

Dear Oregon Voter,

My name is Peter Sorenson and I live in Eugene. I'm an elected Lane County Commissioner and former elected Oregon State Senator. I also served as an elected volunteer board member and Chair of the Board of Education at Lane Community College. My two children attend Eugene public schools.

When I was in the Legislature, I served on the Education Committee which has jurisdiction over schools, colleges and universities. I was also a member of the Senate Judiciary Committee which has jurisdiction over discrimination issues.

We must not sacrifice control of our schools to extremist ideological groups trying to undermine Oregon's tradition of fairness.

This measure would open the door to any special interests trying to impose their values through a state mandated curriculum.

Lon Mabon and the OCA's anti-gay, anti-education act manufacture a problem that does not exist. Parents involved in local schools know our real problems – lack of funding, overcrowding, lack of parental involvement, and school violence. We need to concentrate on solving the real problems.

This measure would deprive kids of the information they need about abstinence, birth control and AIDS/HIV prevention.

This measure would take away important support services and counseling, increasing the risk of teen suicide.

It is wrong to deny our kids the information and support they need to make responsible choices.

**OREGONIANS SAID NO TO MEASURE 9 BEFORE. WHAT PART OF NO DON'T THEY UNDERSTAND?**

Thanks,

Peter Sorenson

This is the most recent of a long list of bad legislation favored by special interests. IT MUST BE DEFEATED

*(This information furnished by Peter Sorenson.)*

*(This space purchased for \$500 in accordance with ORS 251.255.)*

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## ARGUMENT IN OPPOSITION

**PHYSICIANS FOR SOCIAL RESPONSIBILITY SAY VOTE NO ON MEASURE 9**

Physicians for Social Responsibility (PSR) is a non-profit educational organization committed to the elimination of nuclear and other weapons of mass destruction, the achievement of a sustainable environment, and the reduction of violence and its causes. PSR is the US affiliate of International Physicians for the Prevention of Nuclear War, recipient of the 1985 Nobel Peace Prize.

"Reduction of violence and its causes" is an important mission of PSR. Members of PSR feel that the **Oregon Citizens Alliance and Oregon Christian Coalition are inciting violence** through Measure 9, an obviously anti-Gay ballot measure. We believe that **singling out minority populations for harassment and fear often leads to violence**, as in the case of Matthew Sheppard.

**We do not agree with the campaign of hate promoted by the Oregon Citizens Alliance and the Oregon Christian Coalition through Measure 9.**

Measure 9 would not only encourage hate and violence against Oregonians but would encourage ignorance through prohibition of teaching a critical curriculum for today's students. This would harm the health of Oregon children by making it more difficult to properly educate about the risks associated with unprotected sex and the need for prevention of sexually transmitted diseases like AIDS.

Voting for Measure 9 promotes:

- Hate
- Violence
- Ignorance, and
- Disease.

We, the undersigned members of Physicians for Social Responsibility - Oregon, urge concerned Oregonians to **VOTE NO ON MEASURE 9.**

Richard Bayer, MD  
Susan Baumgardner  
Nancy Crumpacker, MD  
Del Greenfield  
Josiah Hill, III, PA  
Robert A. McFarlane, MD  
William Morton, MD  
Catherine Thomasson, MD

*(This information furnished by Richard Bayer, MD, Physicians for Social Responsibility - Oregon.)*

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# Measure No. 9 Arguments

## ARGUMENT IN OPPOSITION

### Tri County Parent Volunteers Oppose Measure 9 It's Dangerous for Kids and Dangerous for Schools

As parents we know that there is **no** curriculum in Oregon's public schools that "encourages or promotes" homosexuality or bisexuality. The real problems our schools face are a lack of funding and class sizes that are too large.

#### Measure 9 is dangerous for our kids and dangerous for our schools

- No special interest like the OCA should be able to tell us what we can and cannot teach. If Measure 9 passes state funding could be cut because of what a person might say.
- Measure 9 would severely limit information that is available to our kids, information that they need to make responsible, healthy choices. Given that our kids are among the fastest growing population of those at risk for HIV/AIDS we cannot afford to ignore this danger.
- Measure 9 would cut counseling and support programs for all adolescent students, making it even more difficult for teenagers to come to terms with their sexuality or for counselors to give teenagers information about support groups.

Measure 9 attempts to suppress vital information that protects the health of our children, removes local control of our schools.

#### VOTE NO ON 9!

Susan M. Harding Cleveland High School PTA President, Portland	Priscilla Turner Beaverton High School
Rose S. Colett Lake Oswego School District	Steven Foster Lincoln High School, Portland
Virginia Markell Clackamas County	Beth Nead Portland PTA Council
Karen Paulino Clackamas County	Linda Brown Lake Oswego School District
Janet Hogue Beaverton School District	William Ward M.D. Clackamas County
Eliot Spindel Lake Oswego School District	Nancy Ward Clackamas County

*(This information furnished by D. Rebecca Levison, M.Ed.)*

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## ARGUMENT IN OPPOSITION

### Lane and Marion County's Parent Volunteers Oppose Measure 9

#### VOTE NO ON 9!

#### Measure 9 would:

- Severely limit basic sex education including abstinence, birth control, sexually transmitted diseases, and HIV/AIDS. With half of new HIV infections occurring in youth 25 years old and younger we cannot afford to ignore this danger to our kids.
- Make it impossible to teach the Oregon value of respect for others in our schools.
- State funding could be cut because of what one person might say. We can't let the agenda of one extremist organization endanger the health of our children and the quality of their schools.

There is **no** curriculum in Oregon public schools that "encourages or promotes" homosexuality or bisexuality.

We know the real problems with our schools: a lack of adequate funding, and class sizes that are too large.

Local school boards, accountable to the parents and students they serve, should make these decisions, not special interest groups.

Lane and Marion County's parent volunteers oppose Measure 9, because it attempts to suppress vital information that protects the health of our children, and removes our local control.

#### VOTE NO ON 9!

Elizabeth Gerot Eugene J4 School District	Mary Bauer Opra Keizer School District
Liz Degner Springfield School District	Penny McGinnis Springfield School District
Jennifer Heiss Springfield School District	Gloria Griffith Springfield School District
James E. Heiss Springfield School District	

*(This information furnished by James E. Heiss, Penny McGinnis, Jennifer Heiss, Gloria Griffith.)*

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# Measure No. 9 Arguments

## ARGUMENT IN OPPOSITION

**Jackson and Deschutes County's Parent Volunteers  
Oppose Measure 9**

**It's Dangerous for Kids and Dangerous for Schools**

- There is **no** curriculum in Oregon public schools that "encourages or promotes" homosexuality or bisexuality.
- Attacking a "problem" that doesn't exist endangers the health of our children and the quality of our schools.
- We know the real problems with our schools: the lack of funding, and class sizes that are too large.

This is about **local control**: these are decisions that need to be made by local school boards, accountable to the parents and students they serve.

If Measure 9 passed it would **CUT**:

Counseling or support programs for **all** adolescent students.

Information on abstinence, birth control, sexually transmitted diseases, and HIV/AIDS. Given that our youth are among the fastest growing population of those at risk for HIV/AIDS - we cannot afford to ignore this danger to our kids.

State funding could be cut because of what one person might say. We can't let the agenda of one special interest organization endanger the funding of our schools.

**ALL of our kids deserve the best we have to offer.**

Jackson and Deschutes County's parent volunteers oppose Measure 9, because it attempts to suppress vital information that protects the health of our children, and removes our local control.

**VOTE NO ON 9!**

David G. Young,  
Lincoln Elementary, Ashland

Linda Young  
Lincoln Elementary, Ashland

Amy Amrhein  
Lincoln Elementary, Ashland

Susan Lopez  
Lincoln Elementary, Ashland

Peggy Penland  
North Medford HS, Medford

Stacy Dycus  
Westside Village Elementary, Bend

Cathy Shaw  
Ashland High School, and Mayor of Ashland

Rick Shaw  
Ashland High School

*(This information furnished by Rick Shaw, Cathy M. Shaw.)*

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## ARGUMENT IN OPPOSITION

**OREGON CHURCHES AND FAITH COMMUNITIES SAY  
VOTE NO ON MEASURE 9**

As people of faith, we share the Oregon values of respect and fairness for all people.

Please join us in voting No on Measure 9

Rev. Marvin D. Jones, Director  
Network Resource Ministries  
Oregon/Idaho Annual  
Conference of The United  
Methodist Church

Rabbi Emanuel Rose  
Congregation Beth Israel  
Portland

The Reverend Robert Corsner  
The Reverend Stephen Schafroth  
St. Paul's Episcopal Church

Rev. Dr. Hector Lopez  
United Church of Christ  
Portland

Ecumenical Ministries of Oregon

Rev. Dr. Marilyn Sewell  
Rev. Thomas Disrud  
Portland

LaVelle Lasher  
Morningside United  
Methodist Church  
Salem

Iris Gibson  
Past President ex-officio  
Church Women United

Rev. Dr. Eileen Dunn  
Ashland

Rev. Martha J. Cook  
Christian Church in Oregon  
Disciples of Christ

Robert Morris Smith  
Willamette Quarterly Meeting  
of the Religious  
Society of Friends

Rev. Dr. Joe E. Smith  
Rev. Michelle E. Manicke  
St. James Lutheran Church  
(ELCA)

Rev. Lynne Smouse Lopez  
Ainsworth United  
Church of Christ  
Portland

Rev. Wesley Taylor  
Tigard United Methodist Church

Kate Lore,  
Social Justice Council  
First Unitarian Church  
Portland

Pastor Karl and Jean Vercouteren  
The Dalles

The Rev. Patt Herdklotz  
Rogue Valley Unitarian  
Universalist Fellowship

Rabbi Marc Sirinsky  
Judith Visser, Director of  
Prayer and Education  
Temple Emek Shalom  
Ashland

Roger Carlson  
Pathways of Faith  
Florence

Rev. Susan Leo  
Bridgeport Community  
United Church of Christ  
Portland

The Reverend Tim Tiffany  
Medford

Judith Schwartz  
Florence Area Jewish Havurah

Pastor David Knapp  
Portland

Rev. William R. Ellis, Jr.  
Bend

The Rev. Stephen V. Schneider  
Portland

The Rev. John A. Langfeldt  
C. Floyd Emeren

Pastor Stan Rosengren

*(This information furnished by Ellen Lowe.)*

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# Measure No. 9 Arguments

## ARGUMENT IN OPPOSITION

**Religious Society of Friends  
A Regional Group of Quakers  
Opposes Measure 9**

For many years, Friends have struggled to grow in mutual understanding about issues relating to the lives of gays, lesbians and bisexuals within our Meetings, in our communities, and within our families. In our Meetings, we include sexual minority members, some of whom are in same-sex marriages, and we have shared times with each other's families.

We have found evidence, once again, of the truth to which Friends have witnessed throughout the years, that there is that of God in every person.

North Pacific Yearly Meeting of the Religious Society of Friends believes that all children deserve schools which affirm them and their families regardless of sexual orientation. We believe freedom of speech is essential for education and the search for truth.

Therefore we oppose Oregon Ballot Measure 9.

United on by North Pacific Yearly Meeting of the Religious Society of Friends 7/22/2000.

North Pacific Yearly Meeting is a 28-year old regional group, including Quakers in Idaho, Montana, Oregon and Washington. Two regional groups, North Pacific Yearly Meeting and Northwest Yearly Meeting, exist side by side in the state of Oregon. No organization speaks for Quakerism as a whole. Seeking to follow the leading of the Holy Spirit, North Pacific Yearly Meeting speaks for itself.

*(This information furnished by Jay Thatcher, Presiding Clerk, North Pacific Yearly Meeting of the Religious Society of Friends (Quakers).)*

*(This space purchased for \$500 in accordance with ORS 251.255.)*

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## ARGUMENT IN OPPOSITION

**Oregon Educators and School Counselors  
OPPOSE Measure 9**

Measure 9 is dangerous to our students and to our schools and school districts.

### **Measure 9: Limiting critical information for our students' education**

Sponsors of Measure 9, the Oregon Citizens Alliance, want to take critical information away from Oregon students. Lon Mabon says that HIV/AIDS prevention education must be eliminated from our classrooms.

#### Why is HIV/AIDS prevention instruction important for our students?

Over 1/2 of the new HIV/AIDS infections in the country occur in young people under the age of 25. With this high rate of infection among young people, we cannot afford to deny them life-saving information allowing them to make healthy decisions in their lives;

### **Measure 9: A recipe for intolerance and disrespect**

Our schools now welcome all students from every walk of life. Measure 9 will single out gay and lesbian students for harassment and fear. We should instead be teaching our students to respect all people.

### **Measure 9 is a solution in search of a problem.**

Not once have we encountered a single instance of any teacher "promoting or encouraging" homosexuality. What we encounter are real problems such as a lack of stable funding and overcrowded classrooms. These are the problems that need our attention.

**We are educators and counselors** from across Oregon. Together, we see thousands of students each day. Let us do our job, in our local schools, guiding our students and your children into the future, without statewide special interest groups telling us what to teach and what not to teach.

#### **Vote No on Measure 9**

- |  |  |
|--|--|
| Kristie Duyckinck, Teacher<br>Hillsboro  | Peter Thacker, Teacher<br>Portland                   |
| June Buck, Teacher<br>Medford            | Trisha Parks, Teacher<br>Beaverton                   |
| John Howry, Teacher<br>Corvallis         | Barry Hinkson, Teacher<br>Sandy                      |
| Chris Morrison, School Counselor<br>Bend | V. Gaile Baack, Counselor<br>Portland                |
| Barbara I. Heyerman, Teacher<br>Ashland  | R. Michael Caughell, Teacher<br>Hillsboro            |
| Mardella L. Stevens, Teacher<br>Gresham  | Henry Harris, Administrator<br>West Linn Wilsonville |

*(This information furnished by Elizabeth A. Kaufman, No on 9 Campaign.)*

*(This space purchased for \$500 in accordance with ORS 251.255.)*

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# Measure No. 9 Arguments

## ARGUMENT IN OPPOSITION

### Measure 9 will harm Oregon's Colleges and Universities

We are student body presidents and active students at Oregon colleges and universities around the state.

**We urge you to VOTE NO on BALLOT MEASURE 9.**

### Measure 9 will take important curriculum away from Oregon's college students

- Measure 9 will limit or eliminate critical health information from college studies, including HIV/AIDS prevention instruction. Students need this information to make responsible decisions in their lives!

### Measure 9 will insist that we teach intolerance and disrespect at Oregon's colleges and universities

- Measure 9 will mean that gay and lesbian students may be treated with harassment and fear. We believe all students deserve respect at our colleges and universities.

### Measure 9 threatens to take away state funding of Oregon's colleges and universities

- Any community college found to be in violation of Measure 9 can lose their state funding. At a time when we need adequate and stable funding for colleges, this measure puts our education at risk!

**It's our future. Vote No on 9.  
Don't put Oregon's college students at risk.**

Brian Lord, Student Body President  
Eastern Oregon University

Mary Cunningham, State Affairs Director  
Associated Students of Portland State University

Scott Young, Associated Students of Southern Oregon University

Susan Whitmore, President  
Associated Students of Lane Community College

(schools listed are for identification purposes only.)

*(This information furnished by Mary Cunningham.)*

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## ARGUMENT IN OPPOSITION

"Measure 9 is bad for the health of young Oregonians. Even while half of all new HIV infections in the U.S. occur among people under 25 years of age, Measure 9 threatens the most basic, common sense health education programs in our schools. It puts Oregon's youth at higher risk by denying them potentially life-saving information, and removes needed support and counseling for students who have questions about their health. Measure 9 will create a school environment of government-sanctioned discrimination by targeting many of Oregon's most vulnerable youth, and will result in fewer young Oregonians feeling comfortable asking questions about their health. If students do ask, Measure 9 will make it illegal for trained adult school counselors and teachers to honestly answer their most basic questions. The chilling effect of Measure 9 will make some schools even more hesitant to conduct or request HIV prevention programs for fear of losing desperately needed funding, already in short supply. We strongly urge all Oregonians to vote 'No' on 9. Don't put the health of Oregon's kids at risk."

*(This information furnished by Thomas Bruner, Cascade AIDS Project.)*

*(This space purchased for \$500 in accordance with ORS 251.255.)*

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# Measure No. 9 Arguments

## ARGUMENT IN OPPOSITION

The American Friends Service Committee, a Quaker organization, seeking to understand and address the root causes of poverty, injustice, and war, says

### Preserve Our Community

#### Vote No on 9

"The fruit of the Spirit is love, joy, peace, patience, kindness, generosity, faithfulness. There is no law against such things." (Gal 5:22-23)

#### Protect Our Children - Vote No on 9

We are called to speak out against any attack on the civil and human rights of persons because of their sexuality or gender identity. We find that some religious rhetoric has been used to deny civil and human rights and, worse, used as justification by those filled with hate to commit violent and aggressive acts against those who only seek to love. These acts are contrary to our own experience of God.

#### Protect Our Communities - Vote No on 9

Our testimony against all forms of violence, which includes our testimony against war, also encompasses social and psychological violence. We are ashamed of and condemn hate-filled speech and the rhetoric of violence especially when used in the name of Christ or by Christian groups. We believe that violence in deed or in word against anyone violates "that of God" in every person. We work to create a climate in the United States and the world in which such acts and words of hate will be recognized as violence and will not be tolerated.

### Protect Our Children Protect Our Communities

#### American Friends Service Committee Says Vote No on 9

*(This information furnished by Dan Stutesman, American Friends Service Committee.)*

*(This space purchased for \$500 in accordance with ORS 251.255.)*

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## ARGUMENT IN OPPOSITION

### People of Faith Oppose Measure 9

#### Vote No on 9

#### People of Faith say no to discrimination

Our diverse faith and spiritual traditions teach us the wisdom and compassion to know that all of our children matter. We believe it is wrong to discriminate against students, their families or educators because of their sexual orientation. People in each of our religious traditions have been singled out for discrimination leading to persecution. It was wrong then. It is wrong now.

#### People of Faith say that all people count

We know that words and beliefs matter. Measure 9 forbids teaching that all people are equal. Our moral compass guided by faith teaches that all of God's children count. There is room at the table for all. We must not allow a state law to be enacted that says that some of our citizens are not equal to others. It's not fair to all of us for the OCA to impose its own views on everyone else. We are all free to hold our opinions, but policies for Oregon's schools should not be determined by the religious beliefs of one organization.

#### People of Faith say protect our values

Public schools must not be allowed to exclude any student from a complete and full education because of religion, race, class, sex, disability, national origin, or sexual orientation. We cannot allow fear, ignorance, intolerance, and bigotry to become part of our schools' curriculum. We believe that only by including all and by strong academic standards based on freedom of conscience, thought, and inquiry, can we build real community.

### WE CALL UPON ALL PEOPLE OF FAITH AND ALL PEOPLE OF GOOD WILL TO VOTE NO ON MEASURE 9.

503.230.9430

*(This information furnished by Dan Stutesman, People of Faith Against Bigotry.)*

*(This space purchased for \$500 in accordance with ORS 251.255.)*

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# Measure No. 9 Arguments

## ARGUMENT IN OPPOSITION

**Basic Rights Oregon  
urges Oregonians:  
vote 'no' on Measure 9.**

**Measure 9 is a danger to Oregon's kids  
and a danger to Oregon's schools.**

Measure 9 puts the health and safety of our kids at risk by greatly limiting the teaching of basic sex education. Measure 9 would force schools to stop offering honest sex education classes on HIV prevention, abstinence, birth control and sexually transmitted diseases.

Measure 9 is bad for Oregon schools because it threatens public school funding. Under Measure 9, if a faculty or staff person at any public school made a statement which could be perceived by an unelected bureaucrat in Salem as promoting or sanctioning homosexuality, that school would be at risk of losing all state funding.

Measure 9 would change the way public schools teach and operate in Oregon. It would take control of public schools away from local school boards and give control to a special interest group.

Measure 9 undermines the teaching of tolerance, fairness, and respect in our schools. Public schools in Oregon have a duty to be welcoming, inclusive, and safe for all students. Measure 9 is dangerous because it would stigmatize students, faculty, and staff who are, or who are wrongly perceived to be, gay or lesbian.

Basic Rights Oregon is dedicated to ending discrimination based on sexual orientation in our state. In the spirit of fundamental fairness and equality, Basic Rights Oregon will build and mobilize a broad coalition of citizens to ensure democratic freedoms for all Oregonians.

**Basic Rights Oregon urges you to vote "No on 9!"**

*(This information furnished by Jennifer Webber, Basic Rights Oregon.)*

*(This space purchased for \$500 in accordance with ORS 251.255.)*

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## ARGUMENT IN OPPOSITION

**Please Vote NO on Measure 9**

Lon Mabon's Oregon Citizen's Alliance and the Christian Coalition Measure 9 is dangerous for kids and dangerous for schools. If passed:

- Measure 9 would severely limit schools from teaching HIV prevention which puts Oregon kids at risk.
- Measure 9 will single out gay and lesbian students, teachers, and school staff for harassment and intimidation, instead of allowing schools to teach tolerance and respect for everyone;
- Measure 9 would take away local decision-making for curriculum from parents and teachers, and put it in the hands of a new state bureaucracy that could take away local school funding.

We are Oregonians from across our state who believe that our local schools should be welcoming places for all students and teachers, no matter what their sexual orientation.

**We urge you to VOTE NO on Measure 9.**

More than 1,000 Oregonians from 14 counties across the state signed petitions to submit this voter's pamphlet statement, including:

Clackamas, Washington, Lane, Jackson, Deschutes, Lake, Umatilla, Clatsop, Marion, Tillamook, Yamhill and Multnomah, Baker, Benton Counties

**Because We Care About Oregon PAC  
Beverly Stein, Chair**

*(This information furnished by Beverly Stein, Because We Care About Oregon PAC.)*

*(This space qualified for by a petition of 1,000 Oregon voters in accordance with ORS 251.255.)*

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# Measure No. 9 Arguments

## ARGUMENT IN OPPOSITION

### United States Senator Ron Wyden Urges Oregonians to Vote NO on Measure 9

Our schools face enormous challenges.

As the world changes, and jobs of today and tomorrow for our children become more complex, our schools need to keep up.

The last thing we need is a political distraction like Ballot Measure 9. Our schools should focus on safe classrooms. Our schools should emphasize teaching the basics. Our schools should concentrate on accountability.

Our schools should not have to spend time and resources responding to the political agendas of fringe groups that simply don't approve of certain people.

Let's put excellence first in our schools. And keep political agendas far away from our children.

**Please Vote No on Measure 9.**

*(This information furnished by US Senator Ron Wyden.)*

*(This space purchased for \$500 in accordance with ORS 251.255.)*

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## ARGUMENT IN OPPOSITION

The Libertarian Party of Oregon and Log Cabin Republicans of Oregon urge your NO vote on Measure 9.

Funny how the pendulum swings.

Just when we think we have enough of the politically correct speech codes from the left, along comes another group of social reformers demanding "religiously correct" speech codes.

**This measure has Big Government written all over it.**

Does anyone believe that state bureaucrats are able to determine the best way to educate children? Measure 9's hidden agenda is that it shifts control away from local school districts, centralizing control in a state bureaucracy.

This expensive state bureaucracy will be required to determine the new religiously correct speech codes.

This bureaucracy will have to prevent and investigate any instances of "forbidden speech".

Busybodies with no connection to your school will run to this bureaucracy with wild tales, requiring expensive investigation and litigation.

School resources will be diverted to defending accusations, no matter how groundless.

High school counselors will turn away students who have "forbidden problems".

Instruction will suffer because teachers will avoid discussing subjects that might lead students to ask "forbidden questions".

**Even college professors** will be prohibited from discussing scientific theories that contradict Lon Mabon's theories on sexuality.

Do we really want Oregon to become the battleground for the "Scopes-Monkey Trial" of the 21st Century?

Do we want professors to turn off the light of inquiry upon "forbidden subjects"?

Education will suffer under Measure 9, because it will create far more problems than it could ever possibly solve (like most Big Government solutions).

If you don't like what is being taught at your local school, there are better ways to make a difference. Pay attention to your child's homework. Talk to your child's teacher or principal. Run for school board. Don't delegate local control to an anti-student, anti-parent bureaucracy.

**Vote NO on Ballot Measure 9.**

Adam Mayer  
Chair, Libertarian Party of Oregon

Lee Coleman  
President, Log Cabin Republicans of Oregon

*(This information furnished by Lee Coleman, Log Cabin Republicans of Oregon; Adam Mayer, Libertarian Party of Oregon.)*

*(This space purchased for \$500 in accordance with ORS 251.255.)*

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# Voter Registration Information

## VOTER REGISTRATION

### Who May Register To Vote

You may register to vote for the November 7, 2000, General Election if:

1. You are a citizen of the United States;
2. You will be at least 18 years old by November 7, 2000; and
3. You are a resident of Oregon.

### How To Register To Vote

To register to vote in the November 7, 2000, election, your completed voter registration card must be either:

- Postmarked by October 17, 2000;
- Delivered to a county elections office by October 17, 2000; or
- Delivered to any voter registration agency (e.g., DMV) by October 17, 2000.

### If Your Name, Mailing Address or Political Party Affiliation Has Changed

If you are currently registered to vote in Oregon but your name, mailing address or party affiliation has changed since you last completed a voter registration card, complete a new voter registration card and mail it to your county elections office.

### If Your Residence Address Has Changed

If you are currently registered to vote in Oregon but your residence address has changed since you last completed a voter registration card, complete a new voter registration card and mail it to your county elections office.

If you notify your county elections office of your change of residence address after October 17, 2000, you must request that a ballot be mailed to you or go to your county elections office to get your ballot.

### Where to Obtain a Voter Registration Card

Voter registration cards can be obtained from the Secretary of State's Office, any county elections office, many state agencies, and most banks and post offices, and are also in some telephone books. It is also available on-line at the Secretary of State's web page at <http://www.sos.state.or.us/elections/other.info/vreg.htm>

---

## Request for Voter Registration Card

*(Please Print)*

Name: \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_

Zip Code: \_\_\_\_\_

Telephone: \_\_\_\_\_

# of forms requested: \_\_\_\_\_

MAIL TO:     Office of the Secretary of State  
                  Elections Division  
                  141 State Capitol  
                  Salem, OR 97310-0722

# Voting Information

## VOTE BY MAIL

### What is Vote by Mail?

Vote by Mail is a method of conducting elections. Instead of using traditional polling places where voters go to cast ballots on election day, a ballot is automatically mailed to each registered voter. The ballot is then voted and returned to the county elections official to be counted.

### When are the ballots mailed to the voters?

Ballots are mailed between the 18th and 14th days before the election.

### As a voter, what do I have to do?

Your ballot packet will automatically be mailed to you. Inside the packet you will find the ballot, a secrecy envelope and a return envelope. Once you vote the ballot, place it in the secrecy envelope and seal it in the pre-addressed return envelope. Be sure you sign the return envelope on the appropriate line. After that just return the ballot either by mail or at a designated drop site.

### What if I am uncomfortable voting my ballot at home?

Privacy booths are available for you to cast your ballot. There are privacy booths at your county elections office and there may be others at drop site locations elsewhere in your county. For further information, call your county elections official.

### What if I make a mistake or need a new ballot?

If your ballot is lost, destroyed, damaged or you make a mistake in marking your ballot, you may call your county elections office and request a replacement ballot. One will be mailed to you as long as you request it by November 2. After that, you may pick it up at the elections office. If you have already mailed your original ballot before you realize you made a mistake, you have cast your vote and will not be eligible for a replacement ballot.

### What if my ballot doesn't come?

If you are registered to vote and have not received your ballot within a week after they are mailed, call your county elections office. They will check that your voter registration is current. If it is, they will mail you a replacement ballot.

### What if I have moved and have not updated my registration?

If you were registered to vote by October 17 but now have a different address, call your county elections office for instructions on how to update your registration and receive a ballot.

### Do I have to return my ballot by mail?

You have the choice of mailing your ballot or returning it to any county elections office or any designated drop site in the state. The times and locations of drop sites are listed in the Voters' Pamphlet and are also available at your county elections office.

### How much postage is required to mail the ballot back?

Your voted ballot can usually be returned using a single 33¢ stamp. In those instances where additional postage is necessary, it will be clearly indicated on the ballot materials.

### When must the voted ballot be returned?

The voted ballot must be received in any county elections office or designated drop site by 8:00 p.m. on election night. Postmarks do not count!

### How do I know if my ballot is received?

You can call your county elections office and ask if they received your ballot. A record is kept showing each voter whose ballot has been returned.

### Can anyone find out how I've voted once I mail my ballot?

No. All ballots are separated from the return envelope before the ballots are inspected. This process ensures confidentiality.

### What if I forget to sign the return envelope?

Generally, your elections office will either return it to you for signing or they will contact you, if possible, to come to the elections office to sign it. If the return envelope does not get signed before 8:00 p.m. on November 7, the ballot will not be counted.

### Can the public watch the election process?

All steps of the process are open to observation by the public. Contact your county elections official to make arrangements.

### When will election results be known?

Ballot counting cannot begin until election day. Initial results are released at 8:00 p.m. election night and will continue to be updated through election night until all ballots have been counted.

## VOTERS WITH DISABILITIES

If you are unable to vote your ballot without assistance, because of a physical disability or because you are unable to read or write, contact your county elections official. They will provide two persons to assist you in voting. In order to assure the county receives your voted ballot by Election Day, contact your county elections office early to arrange for assistance. You may also select someone else of your own choice to assist you.

A cassette edition of the Voters' Pamphlet is available for Oregonians who cannot read standard print due to a visual or physical disability. To order a cassette of the Voters' Pamphlet, please contact Independent Living Resources at 503-232-7411.

# County Elections Offices

**Baker**  
Julia Woods  
Baker County Clerk  
1995 3rd St. Suite 150  
Baker City, OR 97814-3398  
541-523-8207 TTY 541-523-8208

**Benton**  
James Morales  
Elections Division  
120 NW 4th St.  
Corvallis, OR 97330  
541-766-6756 TTY 541-766-6080

**Clackamas**  
John Kauffman  
Clackamas County Clerk  
Elections Division  
825 Portland Ave.  
Gladstone, OR 97027-2195  
503-655-8510 TTY 503-655-1685

**Clatsop**  
Nicole Williams & Debbie Kraske  
Co-Acting Clatsop County Clerks  
PO Box 178, 749 Commercial  
Astoria, OR 97103-0178  
503-325-8511 TTY 503-325-9307

**Columbia**  
Elizabeth (Betty) Huser  
Columbia County Clerk  
Courthouse  
St. Helens, OR 97051-2089  
503-397-7214 TTY 503-397-7246

**Coos**  
Terri L. Turi, CMC  
Coos County Clerk  
Courthouse, 250 N. Baxter St.  
Coquille, OR 97423-1899  
541-396-3121, Ext 301  
TTY 1-800-735-2900

**Crook**  
Deanna (Dee) Berman  
Crook County Clerk  
300 NE. Third, Room 23  
Prineville, OR 97754-1919  
541-447-6553 TTY 541-416-4963

**Curry**  
Renee Kolen  
Curry County Clerk  
PO Box 746  
Gold Beach, OR 97444  
541-247-7011, Ext. 223  
TTY 541-247-6440

**Deschutes**  
Mary Sue (Susie) Penhollow  
Deschutes County Clerk  
Deschutes Services Bldg.  
1340 NW Wall St.  
Bend, OR 97701  
541-388-6546 TTY 541-385-3203

**Douglas**  
Doyle Shaver, Jr.  
Douglas County Clerk  
PO Box 10  
Roseburg, OR 97470-0004  
541-440-4252

**Gilliam**  
Rena Kennedy  
Gilliam County Clerk  
PO Box 427  
Condon, OR 97823-0427  
541-384-2311

**Grant**  
Kathy McKinnon  
Grant County Clerk  
201 S. Humbolt St. #290  
Canyon City, OR 97820  
541-575-1675 TTY 541-575-1675

**Harney**  
Maria Iturriaga  
Harney County Clerk  
Courthouse, 450 N. Buena Vista  
Burns, OR 97720  
541-573-6641

**Hood River**  
Sandra Berry  
Dir. Assess/Rec.  
Courthouse, 309 State St.  
Hood River, OR 97031-2093  
541-386-1442

**Jackson**  
Kathy Beckett  
Jackson County Clerk  
Courthouse, 10 S. Oakdale Ave.  
Medford, OR 97501-2902  
541-774-6148 TTY 541-774-6719

**Jefferson**  
Kathy Marston  
Jefferson County Clerk  
Courthouse, 75 SE "C" St.  
Madras, OR 97741  
541-475-4451 TTY 541-475-4451

**Josephine**  
Georgette Brown  
Josephine County Clerk  
PO Box 69  
Grants Pass, OR 97528-0203  
541-474-5243 TTY 1-800-735-2900

**Klamath**  
Linda Smith  
Klamath County Clerk  
305 Main St.  
Klamath Falls, OR 97601  
541-883-5134 or 800-377-6094

**Lake**  
Shirley Olsen  
Lake County Clerk  
513 Center St.  
Lakeview, OR 97630-1539  
541-947-6006 TTY 541-947-6007

**Lane**  
Annette Newingham  
Chief Deputy County Clerk  
135 E. 6th Ave.  
Eugene, OR 97401-2926  
541-682-4234 TTY 541-682-4320

**Lincoln**  
Dana Jenkins  
Lincoln County Clerk  
225 W. Olive St., Room 201  
Newport, OR 97365  
541-265-4131 TTY 541-265-4193

**Linn**  
Steven Druckenmiller  
Linn County Clerk  
300 SW 4th  
Albany, OR 97321  
541-967-3831 TTY 541-967-3833

**Malheur**  
Deborah R. DeLong  
Malheur County Clerk  
251 "B" St. W., Suite 4  
Vale, OR 97918  
541-473-5151 TTY 541-473-5157

**Marion**  
Alan H. Davidson  
Marion County Clerk  
Elections Division  
4263 Commercial St. SE, #300  
Salem, OR 97302-3987  
503-588-5041 / 1-800-655-5388  
TTY 503-588-5610

**Morrow**  
Barbara Bloodsworth  
Morrow County Clerk  
PO Box 338  
Heppner, OR 97836-0338  
541-676-9061 TTY 541-676-9061

**Multnomah**  
Director of Elections  
1040 SE Morrison  
Portland, OR 97214-2495  
503-988-3720 Fax 503-988-3719

**Polk**  
Linda Dawson  
Polk County Clerk  
Courthouse, Room 201  
Dallas, OR 97338-3179  
503-623-9217 TTY 503-623-7557

**Sherman**  
Linda Cornie  
Sherman County Clerk  
PO Box 365  
Moro, OR 97039-0365  
541-565-3606 Fax 541-565-3312

**Tillamook**  
Josephine Veltri  
Tillamook County Clerk  
201 Laurel Ave.  
Tillamook, OR 97141  
503-842-3402 Fax 503-842-1599

**Umatilla**  
Patti Chapman  
Director of Elections  
PO Box 1227  
Pendleton, OR 97801  
541-278-6254 TTY 541-278-6257

**Union**  
R. Nellie Bogue-Hibbert  
Union County Clerk  
1001 4th St. Ste "D"  
LaGrande, OR 97850  
541-963-1006

**Wallowa**  
Charlotte McIver  
Wallowa County Clerk  
101 S. River St., Rm 100  
Enterprise, OR 97828-1335  
541-426-4543, Ext. 15

**Wasco**  
Karen LeBreton  
Wasco County Clerk  
Courthouse, 511 Washington St.  
The Dalles, OR 97058  
541-296-6159 TTY 541-296-6159

**Washington**  
Ginny Kingsley  
Elections Division  
150 N. 1st Ave., MS3  
Hillsboro, OR 97124  
503-846-8670 TTY 503-846-4598

**Wheeler**  
Marilyn Garcia  
Wheeler County Clerk  
PO Box 327  
Fossil, OR 97830-0327  
541-763-2400 TTY 541-763-2401

**Yamhill**  
Charles Stern  
Yamhill County Clerk  
Courthouse, 535 NE 5th St. Rm. 119  
McMinnville, OR 97128-4593  
503-434-7518 TTY 800-735-2900



SECRETARY OF STATE  
Bill Bradbury  
State Capitol  
Salem, Oregon 97310-0722

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# voters' pamphlet

VOLUME 1 OF 2

## MEASURES

General Election  
November 7, 2000



Please **RECYCLE** this pamphlet