



Ballot Initiative STRATEGY CENTER

Ballot Initiative Overview

2008 Election

Oregon

Although many believe the prize goes to California, Oregon in fact holds the record for the most ballot initiatives over time. This year is no different with several controversial issues on the ballot.

Throughout Oregon's direct democracy history, a few vocal and well-financed individuals have dominated the scene. According to the Initiative and Referenda Institute, William Simon U'Ren is credited with creating the I&R process in the state in the late 1800s. He sponsored dozens of initiatives over the following two decades, earning the nickname "Referendum U'Ren," for his dogged pursuit of the cause. U'Ren had a "sugar daddy" of sorts who financially supported him (the wealthy owner of a local family of fruit growers).

Fast forward to today, and not much has changed. While Oregonians have passed many progressive reforms, such as an increase in the minimum wage (twice) and death with dignity, the system has largely been dominated by gimmicky and sometimes dangerous ballot initiatives. These initiatives have been sponsored primarily by one particular noted initiative fraudster, Bill Sizemore, who makes his living off of direct democracy. Since the 1990's, Sizemore and his anti-tax, anti-union allies have come to dominate Oregon's initiative system.

In 2000, Sizemore was the subject of a racketeering lawsuit against two of his organizations: Oregon Taxpayer's United and the OTU Education Foundation. The jury found Sizemore's organizations guilty of racketeering, and the organizations were fined approximately \$2.5 million. Sizemore refused to pay the fines and attempted to avoid the liability by changing the name of his organizations to Oregon Taxpayers Association and carrying on with business as usual. Without a trial, Sizemore was found personally liable for his organization's civil racketeering liability, and a judge shut down his education foundation. Nearly a million dollars were added to the fine as a result of Sizemore's resistance to earlier court orders/decisions.

Like U'Ren, Sizemore is able to go about his ballot business by having a benefactor. Funding for many of Sizemore's initiative efforts comes from Loren Parks, a sex therapist living in Nevada.

After spending more than \$1.6 million on Oregon's 2006 elections and \$600,000 on Oregon 2007 ballot measures, Parks already has spent at least \$800,000 for initiatives on the 2008 ballot. According to Democracy Reform Oregon, over the years, Sizemore and his allies have spent \$3 million dollars to fund his 12 ballot measures, while his opponents have spent over \$25 million to defeat them.

Now in 2008, Sizemore is backing five initiatives on the ballot, three of which are repeats of similar measures he has tried to pass in the past: Measure 59, which would create an unlimited deduction for federal income taxes on individual taxpayers' Oregon returns beginning in 2010, Measure 60, which would mandate "merit pay" for teachers based on "classroom performance," and Measure 64, a "paycheck deception" initiative.

Twelve measures were on the statewide ballot (four passed).
Eight were citizen-petitioned initiatives.
Four were legislative referrals.

7 Statutory Initiatives Qualified

Measure 58: Education/Immigration

Prohibits teaching public school student in a language other than English for more than two years (exception for teach foreign language to English speakers): Current law requires instruction in all school subjects (except foreign languages) to be primarily in English; permits instruction more than one language so students whose native language is not English can make early transition to English; requires schools to provide English courses for children unable to profit from classes taught in English. Measure provides that no public school student shall be taught in language other than English for more than two years, with exception for classes teaching foreign language to English-speaking students. Limits "English immersion classes" (not defined) to no more than two years for students whose primary language is not English and who are not capable of being taught in English; after that, students shall be taught exclusively in English. Other provisions.

Proponents: English Immersion Committee

Opponents: Parents and Teachers Know Better,
<http://www.parentsandteachersknowbetter.com/>

FAILED 46% - 54%

Measure 59: Investment/Taxes

Creates an unlimited deduction for federal income taxes on individual taxpayers' Oregon income-tax returns: Under current law, personal income taxpayers may deduct a limited amount of federal income taxes when calculating their Oregon taxable income (limit generally is \$5500; limit is adjusted yearly for cost-of-living starting in 2008). This measure creates an unlimited deduction for federal income taxes on individual taxpayers' Oregon returns beginning in 2010. Provides "no Oregon taxpayer shall be required to pay to the state, a local government, or other taxing district, an income tax of any kind on money paid to the federal government as

federal income taxes." Deduction applies only to federal income taxes paid on income taxed in Oregon; does not apply to corporate excise/income taxes. Reduces revenue available for state expenditures; provides no replacement funding. Other provisions.

Proponents: Stop the Double Tax

Opponents: Defend Oregon, <http://www.defendoregon.org/>

FAILED 37% - 63%

Measure 60: Economic Security

Teacher "classroom performance," not seniority, determines pay raises; "most qualified" teachers retained regardless of seniority: Local Public school district boards currently fix salaries, and retention and other contract terms of employment for teachers within their respective districts, subject to state laws regarding collective bargaining, merit, competence, licensure and the Accountability for Schools for the 21st Century Law. Measure eliminates seniority as criterion for pay raises and requires that pay raises for teacher be based solely on that teacher's "classroom performance" (undefined); provides that if a school district reduces teaching staff, the district must retain the "most qualified" teacher, identified by "past classroom experience successfully teaching the specific subject" and academic training that subject. Measure supersedes any conflicting law or policy, but applies only to teacher contract extensions and new contracts made after the effective date of measure. Other provisions.

Proponents: Preserve our Best Teachers

Opponents: Parents and Teachers Know Better, <http://www.parentsandteachersknowbetter.com/>

FAILED 40% - 60%

Measure 61: Criminal Justice

Creates mandatory minimum prison sentences for certain theft, identity theft, forgery, drug, and burglary crimes: Measure creates mandatory minimum prison sentences for specified crimes for which current law does not require mandatory minimums. Requires 36-month minimums for identity theft, first degree burglary, and Class A felony manufacture/delivery of methamphetamine, heroin, cocaine, or methylenedioxyamphetamine; 30-month minimums for Class B felony manufacture/delivery of same specified controlled substances. For offenders with one or more prior felony convictions, or two or more prior misdemeanor convictions, measure requires 18-month minimums for first degree forgery, motor vehicle theft; 14-month minimums for first degree theft, second degree burglary. Prohibits reductions in sentences required by measure. Sentences must be served in state prisons, not in county jails. State must reimburse counties for pretrial incarceration costs for persons sentenced under measure. Other provisions.

Proponents: Oregonians for Safe Neighborhoods

Opponents: Defend Oregon, <http://www.defendoregon.org/>

FAILED 49% - 51%

Measure 63: Property Rights

Exempts specified property owners from building permit requirements for improvements valued at/under 35,000 dollars: Current law requires owners of residential real property or

farm property to comply with applicable state and local building permit requirements when making improvements to real property. Measure creates exemption for residential real property and farm property owners from applicable state and local building permit requirements for improvements when the total value of improvements made within a calendar year does not exceed 35,000 dollars. Measure requires improvements to comply with applicable setback requirements and height limitations. Requires property owners to disclose improvements made without building permits to prospective buyers. Requires electrical wiring made to improvements covered by measure to be performed or approved by licensed electrical contractor. Amount of exemption increases annually to adjust for inflation. Measure supersedes conflicting state and local laws. Other provisions.

Proponents: Oregon Homeowners Association PAC

Opponents: Defend Oregon, <http://www.defendoregon.org/>

FAILED 47% - 53%

Measure 64: Economic Security

Penalizes a person or entity for using funds collected with "public resource" (defined) for "political purpose": Current law allows individuals, organizations to use money for "political purposes," including money collected with public resources. Measure prohibits individuals, organizations, other entities from using money for "political purposes" if "public resources" were used in collecting it. "Money" includes in-kind contributions, independent expenditures, pass-through contributions. "Public resources" include money, public employee work time, buildings, equipment, supplies, unless used for conducting elections, issuing official voters' pamphlet. "Used for a political purpose" means: contributed to a candidate, political committee, political party, initiative/referendum committee; spent supporting opposing candidate, ballot measure, gathering signatures for proposed measure, petition; excludes lobbying an elected official. Mandates civil penalty, bars government from collecting money for entity that uses such money for "political purpose" or commingles it with "political" money. Other provisions.

Proponents: Bans Public Money for Politics Committee

Opponents: Don't Silence Our Voice: No on Measure 64, <http://www.dontsilenceourvoice.com/>

FAILED 49% - 51%

Measure 65: Election Reform

Changes partisan primaries: primary ballots contain all candidates; top two candidates proceed to general election: Currently, major parties nominate candidates to general election through party primaries; minor parties, independents nominate candidates directly to the general election. Multiple candidates for office may appear on general election ballot. Measure changes those nomination processes for most partisan offices, including United States Senator; Congressional Representative; Governor; Secretary of State; State Treasurer; Attorney General; State Senator; State Representative; any state, county, city, district office that is not partisan/for which law authorizes political party nominations to general election. Primary ballots contain all prospective candidates; elector may vote for candidate regardless of elector's, candidate's party affiliation. Only top two candidates in primary compete in general

election. Primary, general election ballots must contain candidates' party registration, endorsements. Eligible person, regardless of party affiliation, may fill vacancy. Other provisions. Proponents: One Ballot, <http://www.oneballot.com/>
Opponents: Oregonians Against Unfair Elections, <http://www.voteno65.org/>
FAILED 34% - 66%

1 Constitutional Amendment Qualified

Measure 62: Criminal Justice

Allocates 15% of lottery proceeds to the Public Safety Fund for Crime Prevention, investigation, prosecution. Amends constitution: Constitution currently apportions lottery proceeds to create jobs, further economic development, finance public education. In addition to those uses, measure requires 15% of net lottery proceeds deposited in public safety fund. 50% of fund moneys are distributed to counties for grants for the following: 20% for early childhood programs for at-risk children, 15% to supplement district attorney operations; 15% to county sheriffs' investigation, field operations. Allocates grants to county under formula: 30% divided equally on per-county basis, 70% divided on population basis. Measure dedicates 50% of proceeds to state police criminal investigation, forensic operations. Measure prohibits legislature from limiting expenditures from fund. Funds to prosecution, sheriffs not a substitute to existing funds. Other provisions.

Proponents: Oregon Anti-Crime Alliance PAC

Opponents: Defend Oregon, <http://www.defendoregon.org/>

FAILED 41% - 59%

3 Constitutional Amendments Were Referred

Measure 54: Administration of Government

Amends constitution: standardizes voting eligibility for school board elections with other state and local elections: Amends Oregon Constitution. The Oregon Constitution requires voters in school district elections to be 21 years of age and residents in the school district for six months. It also requires voters to pass a literacy test to vote in school district elections. This measure would eliminate these school district voter eligibility requirements because they are unenforceable under the United States Constitution and federal law. Voters in school district elections would still have to satisfy all other voter eligibility requirements for local, state and federal elections in Oregon. This measure would "clean up" the Oregon Constitution by deleting outdated and unenforceable language.

PASSED 73% - 27%

Measure 55: Election Reform

Amends constitution: changes operative date of redistricting plans; allows affected legislators to finish term in original district: Amends Oregon Constitution. Reapportionment, commonly called "redistricting" in Oregon, changes the lines of Oregon's state Representative and state Senator districts every 10 years, based on results of the U.S. census. The next census is scheduled for 2010, with redistricting to be done in 2011. Currently, when a redistricting plan

takes effect, and more than one Representative or Senator resides in the new district, one of the Representatives or Senators is assigned, temporarily, to another district. For example, in 2001 a Eugene Representative was assigned to represent a district in central Oregon. This measure would allow Representatives and Senators to continue to represent the districts from which they were elected for their full terms, with the new redistricting going into effect after the next general election.

PASSED 77% - 23%

Measure 56: Taxes/Investment

Amends constitution: provides that May and November tax elections are decided by majority of voters voting: Current law requires that 50 percent of voters participate in an election (except general elections in even-numbered years) in order to pass local property tax measures to raise money for schools, police, libraries, parks or other local government services. This means that non-votes have the effect of a "no" vote where less than 50 percent of qualified voters participate. All other elections are determined by a majority of those who vote, with no voter turnout requirements. This measure eliminates the voter turnout requirement for local property tax elections held in May and November. As a result, for such elections, measures to raise money for schools, police, libraries, parks or other local government services become law when approved by a majority of those voting.

Proponents: Defend Oregon, <http://www.defendoregon.org/>

PASSED 55% - 45%

1 Statutory Initiative Was Referred

Measure 57: Criminal Justice

Increases sentences for drug trafficking, theft against elderly, and specified repeat property and identity theft crimes; requires addiction treatment for certain offenders: This measure increases prison sentences for specified drug and property crimes as follows: Trafficking of methamphetamine, heroin, "ecstasy," or cocaine: 34 - 130 months, depending on the quantity of drugs and criminal history; Aggravated theft of over \$10,000 where victim is elderly: 16 - 45 months, depending on criminal history; Repeat offenses of identity theft, burglary, theft, robbery, mail theft, car theft, forgery, criminal mischief, credit card and check fraud: 18 - 30 months or 24 - 36 months, depending on seriousness of crime and number of past convictions. This measure also requires treatment for certain addicted offenders at risk of reoffending; imposes sanctions for those who refuse treatment. Limits court's ability to reduce sentences. Provides grants to counties for operation of local jails, treatment services, intensive supervision and drug courts. If this measure passes with more votes than other specified measure on this ballot to impose minimum sentences for listed crimes, this measure controls and other measure will have no effect. If this measure passes with fewer votes than other specified measure on this ballot to impose minimum sentences for listed crimes, this measure will have no effect.

Proponents: The Better Way to Fight Crime Committee,

<http://www.betterwaytofightcrime.com/>

Opponents: No Committee Identified
PASSED 61% - 39%

*For additional information please check with the Oregon Secretary of State:
<http://www.sos.state.or.us/>*