

BALLOT MEASURES OCTOBER 2023

In an odd-numbered year, there are few federal or state elections so our attention turns to a variety of state and local ballot measures. Because there are relatively few of them, it seems appropriate to review the way in which measures get on our ballot,

OVERVIEW OF THE BALLOT MEASURE PROCESS

There are four ways a measure can end up on the Oregon ballot: initiative, referendum, referral and recall.

- The initiative process allows any person to propose new laws, change existing laws or amend the Oregon Constitution.
- The referendum process allows any person to refer a newly enacted (non-emergency) law from the Legislature to the voters for acceptance or rejection.
- The referral process allows the Legislature to refer a measure to voters to either adopt or reject.
- The recall process allows voters to remove certain elected officials from office before their term of office is completed.

For each situation there are provisions in the Oregon Constitution, state laws and regulations, and municipal home-rule charters that dictate the process.

STATE BALLOT MEASURES

Chief Petitioner(s)

An initiative or referendum may have up to three chief petitioners who are the individuals responsible for the preparation and organization of the petition. In Oregon any person, acting individually or on behalf of an organization, may be a chief petitioner. The petitions must include the full text and must be legislative and not administrative. Unlike referendums, initiative petitions must address only one subject.

Chief petitioners are responsible for:

- signing and filing a statement providing required information for all chief petitioners • establishing a campaign account and filing a Statement of Organization designating a treasurer
- designating whether petition circulators will be paid or unpaid
- establishing a petition committee prior to approval to circulate
- educating and monitoring circulators
- collecting signatures
- submitting signatures

Draft Ballot Title

The Attorney General prepares a draft ballot title that impartially summarizes the petition and its major effect and files it with the Elections Division. In the initiative process, before the Attorney General can prepare a draft ballot, the petitioner is required to gather 1000 sponsorship signatures which are verified before a draft ballot title is decided upon. On the other hand, the referendum process gathers and verifies all citizen signatures before a draft ballot title is decided upon. Both a referendum and an initiative follow the same initiative process for submitting and verifying signatures.

Certified Ballot Title

After considering comments submitted on the draft ballot title by citizens or petitioners, the Attorney General issues a certified ballot title and files it with the Elections Division.

Ballot Title Appeal

A registered voter who has submitted timely written comments on the draft ballot title and is dissatisfied with the certified ballot title issued by the Attorney General may petition the Oregon Supreme Court to review the ballot title.

Approval to Circulate

After receiving the final ballot title, the Elections Division provides the chief petitioners official templates that must be used to prepare cover and signature sheets for circulation.

Submitting Signatures

Chief petitioner(s), or an authorized agent if signature sheets are delivered monthly, must mail or hand-deliver signature sheets to the Elections Division. There are various requirements that must be met when submitting the signature sheets, such as signing and dating each sheet appropriately. Once the Chief Petitioner affirms that they have submitted at least 100% of the required number of signatures and that they believe the petition is complete, the Elections Division will begin signature verification.

Verifying Signatures

The Elections Division processes signature sheets submitted for verification by using the voter registration rolls and a sampling process. The number of verified signatures required to qualify a petition for the ballot is based on a percentage of the total votes cast for governor at the last election. A constitutional initiative (affecting the Oregon Constitution) will require 8% of valid signatures, a statutory initiative (affecting the laws of Oregon) will require 6%, while a referendum will require 4%. If the measure has the correct number of verified signatures, the Elections Division assigns a unique measure number.

Withdrawal

A petition can only be withdrawn if chief petitioners have not submitted the total number of signatures required for verification. Once withdrawn, the petition cannot be re-activated. However, once the signatures have been verified and the Chief Petitioner affirms completeness, the petition can no longer be withdrawn.

Referral

Both houses of the Legislature must vote to refer the measure to the voters and the referral cannot be vetoed by the Governor. Any change to the Oregon Constitution passed by the Legislature requires referral to the voters.

LOCAL BALLOT MEASURES

Local Initiatives and Referendums

Citizens of cities and counties are able to place local initiatives and referendums on the ballot. The rules for such actions must comply with the Oregon Constitution and Oregon statutes, but many of the details can be set by the local government.

Information posted by the Eugene City Recorder lists the following steps in the initiative process:

- chief petitioners 'submission of a prospective initiative petition
- preparation of a ballot title by the city attorney, potential appeal of ballot title
- city recorder review of the cover and signature sheets that will be circulated
- collection of signatures, submission of petition signature sheets for verification by Lane County Elections.

Additionally, the chief petitioners must register with the Oregon Secretary of State by filing a statement of organization and file reports of all financial transactions. The number of verified signatures required to qualify a local initiative petition for the ballot is 15% of the number of votes cast in the last mayoral election.

The local referendum process gives voters the ability to reject or support legislation adopted by a local government but not yet in effect. The process has similar steps to those required in the initiative process. The number of verified signatures required to place a City of Eugene referendum on the ballot is currently 10% of the votes cast in the last mayoral election. Because an ordinance generally takes effect 30 days after approval by Council, the time limit for signature collection and filing is very short - within 30 days of the passage of the ordinance. If the petitioners fail to complete the process within 30 days, the petition is void.

Referral

At the local level a referral occurs when a local governing body such as a city council submits a proposal to a vote of the citizens. Often these referrals are seeking authorization for additional property taxes for on-going operations or capital projects because all such tax increases must be approved by the voters. Referrals can also pertain to non-fiscal matters such as changes to the city charter (local constitution) or transportation plan or department structure.

In order to place the measure on the ballot, the council or other governing body must submit a Notice of Measure Election by the deadline (about 60 days before the election) to the county elections department. It ensures that the required information is in the proper format and the purpose and dollar impact of the proposal is included.

For each such ballot measure the local governing body must provide a caption, a question and a summary. The **caption** is a title. The **question** must be stated so it can be answered yes or no with yes meaning approval and no meaning rejection. The **summary** is an explanation in plain, factual, and non-technical language that does not advocate a "yes" or "no" vote. The local governing body can decide what pertinent facts to include.

To place the measure on the ballot, the council or governing body must submit a Notice of Measure Election by the deadline to the county elections department. It ensures that the required information is in the proper format and includes the purpose and dollar impact.

After receiving a county referral, the county elections official assigns a measure number. A referral can be withdrawn no later than 61 days before the election.

Recall

Recall is the process of removing an official from office through direct vote.

A petition may be filed for a state senator or representative any time after the 5th day of the first legislative session of their current term of office. For public office holders other than a state senator or representative, recall petitions can only be filed after the public officer has served at least six months of their current term of office.

The filing officer for all public officials elected to a state office is the state elections office. For all other public officers, the recall process starts with their appropriate county, city or district filing officer - for the City of Eugene it is the City Recorder.

A chief petitioner begins the recall process by filing a prospective petition. Once the petition is approved for circulation by election officials, the petition is circulated among Oregon voters, those registered to vote in the county, city or district where the petition is being circulated. The required number of valid signatures is 15% of the votes cast for governor in the public officer's district during the last gubernatorial election. Signature evaluation is done by election officials, and a public vote is taken if the petition is deemed to have sufficient valid signatures. If the filing officer determines that the petition contained an insufficient number of valid signatures, and the deadline to submit signatures has passed, the recall process is stopped.

BALLOT MEASURE EXAMPLES INCLUDING THOSE FOR FALL 2023

STATE RECALL

Petition R-2023-01 against Paul Holvey, State Representative, District 8

Chief Petitioner: Nathan Erne

According to the petition, the reason for the recall is that Representative Holvey did not support working class values by ensuring that the State House pass pension cuts, by using his time as acting House Speaker to kill legislation that would have provided assistance to front-line workers during the Covid crisis, claiming that implementation would be too complex, and by killing legislation that would support unionization in the cannabis workforce. The recall election is scheduled for October 3, 2023.

LANE COUNTY LOCAL ELECTIONS INITIATIVE PETITIONS

There is no initiative petition on the ballot on the November 2023 but Score Then Automatic Runoff (STAR) voting will appear on the May 2024 ballot if the petition drive is successful. The initiative seeks to amend the Eugene City Charter to change the method for electing mayor and city councilors by using the STAR voting method, which would also eliminate primary elections. Currently, all mayoral and councilor candidates are voted on in a May primary

election; if a candidate receives more than 50% of the votes, the candidate runs unopposed in the November general election. If no candidate receives more than 50% of the votes, the top two candidates run against each other in the November general election.

The STAR Voting method is an election process where: 1) all candidates are voted on at a November general or special election; 2) voters score each candidate on a scale of zero to five, multiple candidates can have the same score (no score equals zero); 3) scores are totaled for each candidate; 4) finalists are the two candidates with the highest total scores; 5) the finalist preferred by the most voters is elected to office.

REFERENDUM

There will be no referendum on the November 2023 ballot but a referendum to *support* Ordinance 20681, which was designed to prohibit fossil fuel infrastructure in new low rise residential buildings, was to be on the ballot. The ordinance was passed by the Eugene City Council on February 7, 2023 with objections from NW Natural and the Chamber of Commerce. The referendum of support was sought to demonstrate public support for the ordinance. It was certified for the ballot on March 16. However, the City Council repealed the Ordinance on July 10, 2023, following the decision of the Ninth U.S. Circuit Court of Appeal on April 17, 2023 to uphold the objection by the California Restaurant Association to the similarly worded ordinance passed by the Berkeley California City Council. The Eugene City Council cited legal challenges. Therefore, the referendum will not appear on the Fall 2023 ballot.

REFERRAL

Dissolution of Pleasant Hill Fire District and of Goshen and formation of the Pleasant Hill Goshen Fire Protection District with a permanent tax. There are three measures related to the Pleasant Hill and Goshen Fire Districts:

20-344, Dissolution of Pleasant Hill Rural Fire Protection District

20-345, Dissolution of Goshen Rural Fire Protection District

20-347, Pleasant Hill Goshen Fire Protection District Formation

The measures were referred by the Pleasant Hill and Goshen Rural Fire Departments (RFD). The intent of the measures is to allow consolidated operations under the name of Pleasant Hill Goshen Fire & Rescue and requires approval of all three measures. The consolidation will include formation of a new district, which will include the current districts of Pleasant Hill RFD and Goshen RFD as well as the unprotected area at the perimeter between Goshen and the City of Eugene and unprotected properties in Pleasant Hill. The new district will include a permanent tax rate of \$2.20 per \$1,000 of assessed value. All assets and liabilities of Goshen Fire Protection District would transfer to Pleasant Hill Goshen Fire District.

The feasibility study indicates that the consolidation and the new tax rate which is an increase for both districts, slightly larger for Pleasant Hill, will allow a replacement of the current Pleasant Hill fire station, provide consistent paid staffing for the two primary fire stations as well allow dedicated staff for critical organizational areas and allow maintenance and replacement of critical equipment. Consolidation would allow more efficient use of equipment. It should be noted that volunteer fire departments across the county are seeing that attracting volunteer fire staff has become much more difficult than it was in the past. The request to

seek the creation of the new Fire District was unanimously approved by the County Commissioners on June 6, 2023.

20-346, River Road Park and Recreation District: Renewal of 5-year local tax option for general operating expenses

The measure was referred by the River Road Park and Recreation District. The ballot measure requests a renewal of the current levy to support programming and staff at the current levels. The organization is a special taxing district that operates a nine-acre park and a community recreation center about four miles northwest of downtown Eugene in the River Road area. Because tax revenue has also declined, while utilities and other expenses have continued to increase, the revenue from this tax option is necessary to allow the River Road Park and Recreation District to function at current levels. If the local option tax is not renewed, the District would be forced to reduce or eliminate program offerings, maintenance and staff, and reduce operating hours. This is a renewal of the current local option tax at \$0.47 per \$1,000 of assessed valuation, which is the same rate that existed in 2008. At that rate, a home in the district assessed value of \$188,000 would be assessed approximately \$7.36 per month for the first year of the levy with an increase to \$8.28 by the fifth year. It should raise a total of \$1,508,050 over five years.

The district was formed in 1955 when the city of Eugene was much smaller and the River Road area was much more rural. Area residents wanted a park system similar to those being built then in Eugene and Springfield. However, Eugene wasn't prepared to annex the area, so River Road area residents created a special taxing district to create their own park and a community center. The center includes an indoor pool, sauna, fitness center, two spas and rooms for arts and crafts programs. As the years rolled by, the district's funding levels fell as the city annexed properties within its borders. The city and the district reached a compromise under which the city would provide the district a portion of the property taxes it collected from properties it annexed. In 2008, the City of Eugene eliminated all reimbursement revenues of annexed properties.

20-348, Renewal of Five-Year Local Option Levy for School Operations, Siuslaw School District #97J, referred by the Siuslaw School Board.

This is a renewal of the levy passed in 2017 of \$0.75/\$1,000 of assessed value to support the Siuslaw School District 97J. It would renew the levy expiring in 2024 for five years at the same rate approved by voters in 2017. The Siuslaw School District 97J will use the revenue to maintain stability of our current programs through 2028-2029; provide learning resources for students utilizing technology and online learning. The ability to continue offering reduced classroom sizes, vocational classes, fine arts, music programs and physical education. The levy has provided approximately 8.5% of the School District's annual operations since 2009. The estimated tax of a median assessed home valued at \$216,863 would be \$13.55 per month or \$162.64 per year.

RECALL

Chief petitioner, Michael Borke, a citizen of Cottage Grove, has filed recall petitions for three city councilors. The signature sheets must be filed no later than October 23, 2023 for the recall to go to special election.

Petition 2023-R01 against Mike Fleck City Councilor At-Large, claiming that he has not served the taxpayers/residents in Cottage Grove in their best interests.

Petition 2023-R02 against Chalice Savage, City Councilor - Ward 1 claiming that she has not served the residents in Ward 1 in the best interests of the taxpayers of this area.

Petition 2023-R03 against Jon Stinnett, City Councilor - Ward 2 claiming that he has not represented the citizens in his city council #2 area.

SOME NOVEMBER 2024 BALLOT MEASURES IN THE PIPELINE

INITIATIVE

STAR Voting: The STAR Voting for Oregon Initiative Petition, which launched and has been circulating since February 2023. The STAR Oregon Petition, IP 11, has until July 2024 to complete the signature collection and needs 120,413 verified signatures.

Redistricting: People Not Politicians, IP 14, is working to end legislative control of redistricting.

With the approval of the ballot title, signature collection can begin again to put the measure on the November 2024 ballot. The approved ballot measure title is: The People Not Politicians Amends Constitution: Repeals legislature's redistricting process; creates redistricting commission; equal number Democrats, Republicans, others; requires 2025 redistricting

REFERRALS

HB2004: Establishes **ranked choice voting** as the voting method for selecting winner of nomination for and election to offices of President of United States, United States Senator, Representative in Congress, Governor, Secretary of State, State Treasurer and Attorney General

HJR 16: Proposes amendment to Oregon Constitution to vest **power of impeachment** of statewide elected Executive Branch officials in House of Representatives and power to try impeachments in Senate.

SJR 34: Proposes amendment to Oregon Constitution to establish **Independent Public Service Compensation Commission**. Provides that specified individuals are ineligible for membership on commission. Directs commission to establish salaries for specified public officials.

REFERENCES

<https://www.lwvor.org/lwvor-position-index>

https://www.oregonlegislature.gov/bills_laws/Pages/OrConst.aspx

<https://sos.oregon.gov/elections/Documents/RecallManual.pdf>

Ballot Measures, Every Member Material, October 2017, Pat Hocken, Rhonda Livesay, Keli Osborn, and Jeanne Taylor.

The following information was gathered from the Oregon Secretary of State Elections Division website <http://sos.oregon.gov/voting-elections/Pages/default.aspx>

Initiative, Referendum Manual <http://sos.oregon.gov/elections/Documents/stateIR.pdf>.

Lane County ballot measures, <https://www.lanecounty.org/cms/one.aspx?pagelid=4081147>

City requirements for initiatives and referendums, <https://www.eugene-or.gov/518/Elections>;
<https://sos.oregon.gov/elections/documents/referralmanual.pdf>

Other various rules that cover the gathering of signatures by the means listed above,
<http://sos.oregon.gov/elections/Documents/statelR.pdf>.

Committee members: Sharon Amasha, Linda Ferdowsian, Nancy Mills.

DISCUSSION QUESTIONS

1. Recall of elected officials traditionally has been a rare event. However, recall elections, with their associated costs, are becoming more common. Is this a sign that people are taking democracy more seriously or does it give minority views an opportunity to do an end run around democracy by using special elections that are often low-turnout to get rid of the duly elected official they disagree with?

2. Does the use of initiatives result in more effective laws than those created in the legislative process because it allows the people to vote on issues the legislature has not considered or was against passing (eg. Oregon Measure 114-changes to Firearm ownership and purchase requirements initiative 2022)? What are the drawbacks to the process?

3. There are 26 states that have an initiative process, referendum process, or both at the statewide level. Washington, D.C. also has an initiative and referendum process. The legislative process is assumed to reflect the will of the people because the legislators are directly elected. In the case of states whose legislatures are gerrymandered, the use of initiative and referendum processes could be seen as a more accurate view of the will of the people. What are your thoughts about this?

