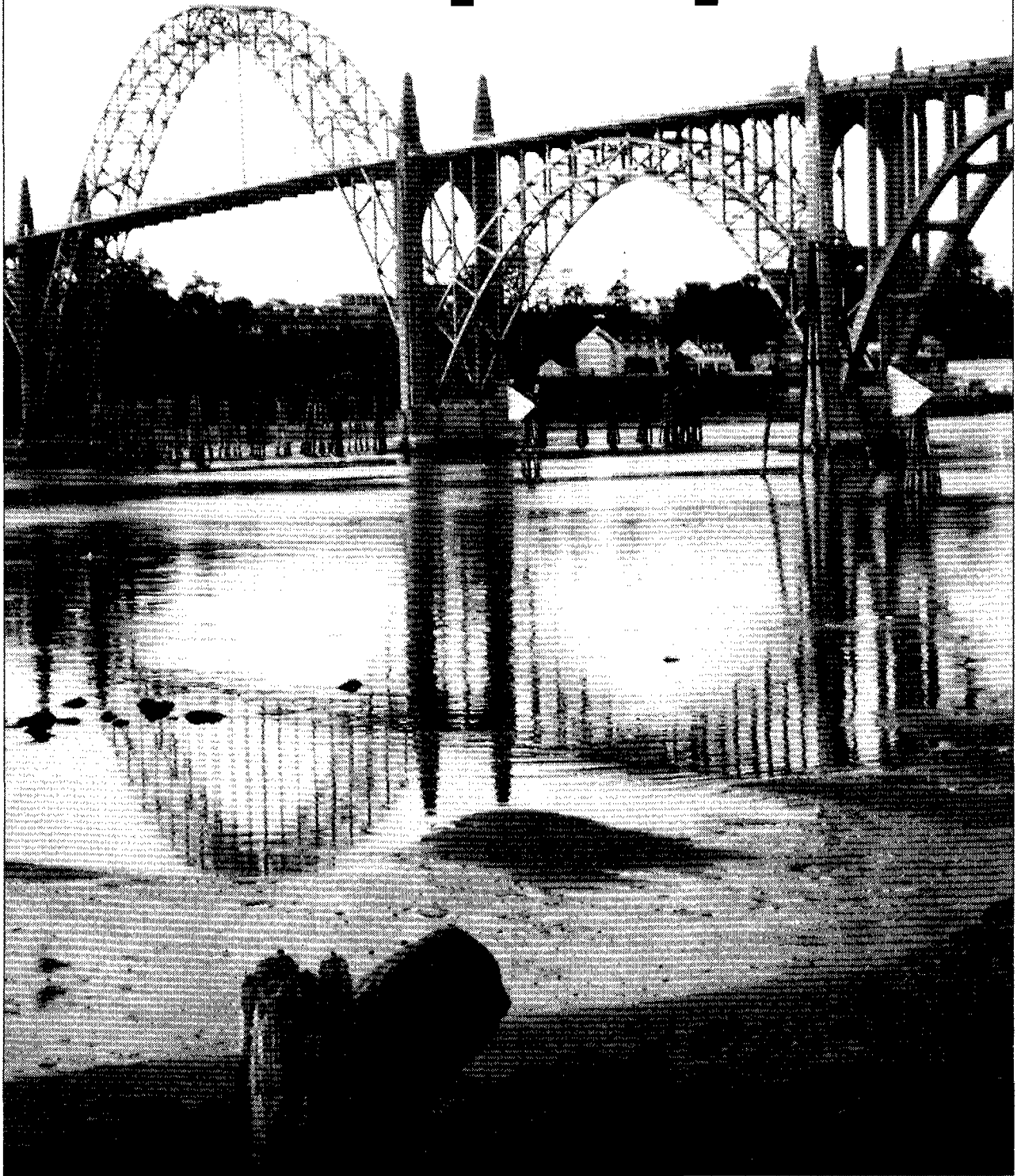


voters' pamphlet



STATE OF OREGON SPECIAL ELECTION NOVEMBER 2, 1999

Compiled and Distributed by

Phil Keating
Secretary of State

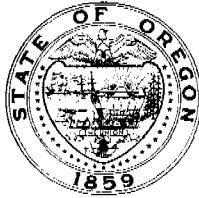


This Voters' Pamphlet is provided for assistance in casting your vote-by-mail ballot.

PHIL KEISLING

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:

On November 2, 1999, Oregon will conduct a special statewide election to decide nine ballot measures referred to voters by the 1999 Legislature. Ballots will be mailed to registered voters between October 13 and 15. This election is the eighth statewide election conducted by mail, continuing Oregon's tradition of innovation and service to its citizens.

You will receive a ballot only if you are registered to vote in Oregon by October 12. To register to vote, or to update a registration, see the section of this Voters' Pamphlet entitled, "Voter Registration."

In this Voters' Pamphlet, you will find information about each referred measure, including the complete text of the measure, an estimate of its direct financial effect on government revenues and expenditures, a short explanation written by a committee of Oregonians knowledgeable about the measure, and arguments for and against each measure. Space for arguments is sold to anyone who pays the \$300 fee or submits the signatures of 1,000 registered voters.

As you acquaint yourself with the measures, you will read fiscal impact statements that have been prepared by a committee of state officials. Under state law, the committee is allowed to estimate only the "direct impact" on state and local governments. These are estimates based on the best information readily available; indirect consequences or costs that are too conjectural are not included. Other potential impacts—to businesses, families, the economy, etc.—are not included in these estimates. You will need to derive that information from the arguments of the proponents and opponents and from your own calculations. If the committee cannot determine that the direct costs exceed \$100,000 a year, state law requires the committee's financial impact statement to say "No financial effect on state or local government expenditures or revenues."

The information contained in this Voters' Pamphlet is also available in the Online Voters' Guide published by the Secretary of State on the World Wide Web at:

<http://www.sos.state.or.us/elections/nov299/nov299.htm>

Sight-impaired persons can obtain a tape copy of this Voters' Pamphlet by calling Independent Living Resources at (503) 232-7411.

Please make sure you are registered to vote by October 12 and that your voted ballot is received by your county elections official by 8 p.m. November 2. **Postmarks do not count.**

Best,

Phil Keisling
Secretary of State

On the Cover: The Yaquina Bay Bridge is reflected in the tidal waters of Yaquina Bay, Newport, Oregon. Photo courtesy of Sally Grant Carr, Newport.

Information

GENERAL

Your official 1999 Special Election Voters' Pamphlet provides you with information about nine statewide measures referred by the Legislature. Additionally, you can find information about vote-by-mail and voter registration, as well as a list of addresses and phone numbers for county elections officials across the state.

For each of the nine 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 for a legislative referral may be drafted by the Legislature. If the ballot title is not drafted by the Legislature it 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 usually 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.

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 \$300 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.

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.

ATTENTION:

The State of Oregon prints measure arguments 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.

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ELECTION DAY IS TUESDAY, NOVEMBER 2, 1999
County Elections Offices are open from 7 a.m. to 8 p.m.

Measure No. 68

House Joint Resolution 82—Referred to the Electorate of Oregon by the 1999 Legislature to be voted on at the Special Election, November 2, 1999.

BALLOT TITLE

68 AMENDS CONSTITUTION: ALLOWS PROTECTING BUSINESS, CERTAIN GOVERNMENT PROGRAMS FROM PRISON WORK PROGRAMS

RESULT OF "YES" VOTE: "Yes" vote allows protecting private enterprise, certain government, nonprofit programs from prison work program competition.

RESULT OF "NO" VOTE: "No" vote retains prison work programs, unrestricted competition with private enterprise, government and nonprofit programs.

SUMMARY: Amends constitution. Constitution now mandates prison work programs, which may compete with public, private sector enterprises without restriction by state, local law. Measure would allow corrections director to limit establishment, expansion of for-profit prison work programs producing goods, services offered for sale in private sector to avoid displacing or significantly reducing preexisting private enterprise; prison work programs to avoid displacing or significantly reducing government or nonprofit programs employing persons with developmental disabilities. Allows use of inmate work to support community charitable organizations. Other changes.

ESTIMATE OF FINANCIAL IMPACT: 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 41, Article I of the Constitution of the State of Oregon, is amended to read:

Sec. 41. (1) Whereas the people of the state of Oregon find and declare that inmates who are confined in corrections institutions should work as hard as the taxpayers who provide for their upkeep; and whereas the people also find and declare that inmates confined within corrections institutions must be fully engaged in productive activity if they are to successfully re-enter society with practical skills and a viable work ethic; now, therefore, the people declare:

(2) All inmates of state corrections institutions shall be actively engaged full-time in work or on-the-job training. The work or on-the-job training programs shall be established and overseen by the corrections director, who shall ensure that such programs are cost-effective and are designed to develop inmate motivation, work capabilities and cooperation. Such programs may include boot camp prison programs. Education may be provided to inmates as part of work or on-the-job training so long as each inmate is engaged at least half-time in hands-on training or work activity.

(3) Each inmate shall begin full-time work or on-the-job training immediately upon admission to a corrections institution, allowing for a short time for administrative intake and processing. The specific quantity of hours per day to be spent in work or on-the-job training shall be determined by the corrections director, but the overall time spent in work or training shall be full-time. However, no inmate has a legally enforceable right to a job or to otherwise participate in work, on-the-job training or educational programs or to compensation for work or labor performed while an inmate of

any state, county or city corrections facility or institution. The corrections director may reduce or exempt participation in work or training programs by those inmates deemed by corrections officials as physically or mentally disabled, or as too dangerous to society to engage in such programs.

(4) There shall be sufficient work and training programs to ensure that every eligible inmate is productively involved in one or more programs. Where an inmate is drug and alcohol addicted so as to prevent the inmate from effectively participating in work or training programs, corrections officials shall provide appropriate drug or alcohol treatment.

(5) The intent of the people is that taxpayer-supported institutions and programs shall be free to benefit from inmate work. Prison work programs shall be designed and carried out so as to achieve [*net cost*] savings in [*maintaining*] government operations, [*or*] so as to achieve a net profit in private sector activities or so as to benefit the community.

(6) The provisions of this section are mandatory for all state corrections institutions. The provisions of this section are permissive for county or city corrections facilities. No law, ordinance or charter shall prevent or restrict a county or city governing body from implementing all or part of the provisions of this section. Compensation, if any, shall be determined and established by the governing body of the county or city which chooses to engage in prison work programs, and the governing body may choose to adopt any power or exemption allowed in this section.

(7) The corrections director shall contact public and private enterprises in this state and seek proposals to use inmate work. The corrections director may: (a) install and equip plants in any state corrections institution, or any other location, for the employment or training of any of the inmates therein; or (b) purchase, acquire, install, maintain and operate materials, machinery and appliances necessary to the conduct and operation of such plants. The corrections director shall use every effort to enter into contracts or agreements with private business concerns or government agencies to accomplish the production or marketing of products or services produced or performed by inmates. **The corrections director may carry out the director's powers and duties under this section by delegation to others.**

(8) Compensation, if any, for inmates who engage in prison work programs shall be determined and established by the corrections director. Such compensation shall not be subject to existing public or private sector minimum or prevailing wage laws, except where required to comply with federal law. Inmate compensation from enterprises entering into agreements with the state shall be exempt from unemployment compensation taxes to the extent allowed under federal law. Inmate injury or disease attributable to any inmate work shall be covered by a corrections system inmate injury fund rather than the workers compensation law. Except as otherwise required by federal law to permit transportation in interstate commerce of goods, wares or merchandise manufactured, produced or mined, wholly or in part by inmates or except as otherwise required by state law, any compensation earned through prison work programs shall only be used for the following purposes: (a) reimbursement for all or a portion of the costs of the inmate's rehabilitation, housing, health care, and living costs; (b) restitution or compensation to the victims of the particular inmate's crime; (c) restitution or compensation to the victims of crime generally through a fund designed for that purpose; (d) financial support for immediate family of the inmate outside the corrections institution; and (e) payment of fines, court costs, and applicable taxes.

(9) All income generated from prison work programs shall be kept [*in a*] separate [*account*] from general fund accounts and shall only be used for implementing, maintaining and developing prison work programs. Prison industry work programs shall be exempt from statutory competitive bid and purchase requirements. Expenditures for prison work programs shall be exempt from the legislative appropriations process to the extent the programs rely on income sources other than state taxes and fees. Where state taxes or fees are the source of capital or operating expenditures, the appropriations shall be made by the legislative assembly. The state programs shall be run in a businesslike

Measure No. 68

EXPLANATORY STATEMENT

fashion and shall be subject to regulation by the *[Prison Industries Board, consisting of the Governor, Secretary of State, and State Treasurer. The Board shall meet at least quarterly and shall act by vote of any two of the three members]* **corrections director**. Expenditures from *[the income generated by state prison work programs]* *[account]* must be approved by the *[Board]* **corrections director**. Agreements with private enterprise as to state prison work programs must be approved by the *[Board]* **corrections director**. The corrections director shall make all state records available for public scrutiny and the records shall be subject to audit by the Secretary of State.

(10) Prison work products or services shall be available to any public agency and to any private enterprise **of any state, any nation or any American Indian or Alaskan Native tribe** without restriction imposed by any state or local law, ordinance or regulation as to competition with other public or private sector enterprises. The products and services of corrections work programs shall be provided on such terms as are *[approved]* **set** by the **corrections director**. **To the extent determined possible by the corrections director, the corrections director shall avoid establishing or expanding for-profit prison work programs that produce goods or services offered for sale in the private sector if the establishment or expansion would displace or significantly reduce preexisting private enterprise. To the extent determined possible by the corrections director, the corrections director shall avoid establishing or expanding prison work programs if the establishment or expansion would displace or significantly reduce government or non-profit programs that employ persons with developmental disabilities. However, the decision to establish, maintain, expand, reduce or terminate any prison work program remains in the sole discretion of the corrections director.**

(11) Inmate work shall be used as much as possible to help operate the corrections institutions themselves, *[and]* to support other government operations **and to support community charitable organizations**. This work includes, but is not limited to, institutional food production; maintenance and repair of buildings, grounds, and equipment; office support services, including printing; prison clothing production and maintenance; prison medical services; training other inmates; agricultural and forestry work, especially in parks and public forest lands; and environmental clean-up projects. Every state agency shall cooperate with the corrections director in establishing inmate work programs.

(12) As used throughout this section, unless the context requires otherwise: "full-time" means the equivalent of at least forty hours per seven day week, specifically including time spent by inmates as required by the Department of Corrections, while the inmate is participating in work or on-the-job training, to provide for the safety and security of the public, correctional staff and inmates; "corrections director" means the person in charge of the state corrections system.

(13) This section is self-implementing and supersedes all existing inconsistent statutes. This section shall become effective April 1, 1995. 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.

PARAGRAPH 2. The amendment proposed by this resolution shall be submitted to the people for their approval or rejection at a special election held throughout this state on the date specified in section 2, chapter _____, Oregon Laws 1999 (Enrolled House Bill 2354). If a special election is not held throughout this state on the date specified in section 2, chapter _____, Oregon Laws 1999 (Enrolled House Bill 2354), the amendment proposed by this resolution shall be submitted to the people for their approval or rejection at a special election held throughout this state on the same date as the next biennial primary election.

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

This measure amends section 41, Article I of the Oregon Constitution, which requires prison inmates to spend a certain amount of time in education or work programs.

Currently, prison work programs are regulated by the Prison Industries Board. The Board consists of the Governor, Secretary of State and State Treasurer. This measure eliminates the Prison Industries Board and shifts its responsibilities to the Director of the Department of Corrections.

This measure directs the Director of the Department of Corrections, to the extent possible, to avoid establishing for-profit prison work programs that would displace or reduce:

1. Preexisting private jobs or businesses; or
2. Government or nonprofit programs that employ persons with developmental disabilities.

This measure expands the allowable uses of inmate work to include supporting community charitable organizations.

Currently, the Constitution requires that prison work programs must achieve net cost savings in maintaining government operations or a net profit in private sector activities. This measure allows prison work programs to benefit the community without a requirement of net cost savings or net profit.

Committee Members:

Senator Peter Courtney
 Representative Dan Gardner
 Representative Jerry Krummel
 Senator Frank Shields
 Representative Lane Shetterly

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.)

NO ARGUMENTS IN OPPOSITION TO THIS BALLOT MEASURE WERE FILED WITH THE SECRETARY OF STATE.

Measure No. 68

ARGUMENT IN FAVOR

VOTE YES ON MEASURE 68 TO STRENGTHEN PRISON WORK REQUIREMENTS

This measure improves the provisions of the Oregon Constitution which require that state prisoners work full-time.

I was co-author and chief petitioner of the original Measure 17, passed by an overwhelming margin in the November 1994 election. This was the original constitutional amendment requiring state prisoners to work full-time and requiring that income from their work be used to pay for their incarceration, pay restitution to victims, pay fines, and provide for family support obligations.

When Measure 17 passed, just over 20 percent of state prisoners were working full-time. Now over 70 percent of state prisoners are working full-time.

Measure 68 improves the prison work system in two ways. First, it eliminates the Prison Industries Board (composed of the Governor, Treasurer, and Secretary of State) and instead puts the Director of Corrections in charge of prison work programs.

With the Director of Corrections in full command of prison work programs, we will have complete accountability through one person.

The second change to the constitutional provisions makes it clear that the Director of Corrections may consider the impact of prison work on the private sector and on programs employing persons with developmental disabilities. There have been some interpretations that we cannot use common sense in considering these factors. This measure makes it clear that the Director of Corrections may apply common sense and discretion in setting up prison work programs.

This measure has strong bipartisan support from Democratic and Republican members of the House and Senate. It has the strong support of business and labor. It is a positive refinement of an already successful program.

Please vote yes on Measure 68.

Kevin L. Mannix
State Representative

(This information furnished by Kevin L. Mannix, Justice For All.)

(This space purchased for \$300 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

VOTE YES ON 68 – STOP CONVICTS FROM TAKING AWAY JOBS

The Plumbing and Mechanical Contractors Association urges you to vote YES on Measure 68 to stop the practice of allowing prison labor to be used to compete with existing businesses.

We represent over 200 small businesses here in Oregon, most of them having five or less employees. We don't mind competition in business – but we do mind competing for an honest job with companies that employ prisoners.

Oregon's current law allows companies, including ones from out-of-state, to use cheaply paid prison labor to compete against legitimate local businesses and take away jobs.

This is wrong.

Convicted felons like thieves, drug addicts and rapists, serving time in prison shouldn't be used to compete with legitimate small businesses and deny law abiding workers a job.

Our small businesses and their skilled employees work hard to make an honest living. We invest countless hours and dollars in training, safety, and community service. We are a positive part of our communities across the state and yet are being penalized by the use of forced, taxpayer subsidized prison labor by less scrupulous competitors.

Have the prisoners clean up graffiti and trash or other types of work that doesn't compete with that of honest citizens. Don't continue to reward prisoners and companies that use them at the expense of our families and communities.

PLEASE VOTE YES ON MEASURE 68

William Sikora
Plumbing and Mechanical Contractors Association

(This information furnished by William Sikora, PMCA.)

(This space purchased for \$300 in accordance with ORS 251.255.)

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Measure No. 68

ARGUMENT IN FAVOR

YES ON 68 - FOR OREGON'S SAKE

When I, and the majority of Oregonians, voted to require that prisoners must work I never thought that it would result in law-abiding citizens losing skilled jobs. I never dreamed that out of state contractors could hire cheap prison labor to directly compete with local Oregon businesses. I never thought that by requiring criminals to work we would actually hurt our neighbors and community. But that is just what is happening.

The law currently allows companies to use prison labor to directly compete with law-abiding citizens and businesses. We cannot allow this to continue. People in our local communities are losing out on job opportunities. They are being displaced from jobs by convicted felons in prison - thieves, rapists, drug addicts.

That's not what we wanted when we voted to require prisoners to work. We wanted convicted felons to do things like cleaning up our roads, parks and forests.

Ballot Measure 68 will fix the law to do what we intended. Don't allow convicted criminals in prison to continue to harm Oregon!

Join me in voting yes on BM 68 - for Oregon's Sake.

Matt Walters
Business Manager
UA Plumbers & Steamfitters Local 290

(This information furnished by Matt Walters, UA Local 290.)

(This space purchased for \$300 in accordance with ORS 251.255.)

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ARGUMENT IN FAVOR

STOP CHEAP FORCED LABOR BY CONVICTS FROM HURTING HONEST BUSINESSES - VOTE YES ON 68

Our current laws have a flaw that is hurting businesses in Oregon.

Convicted criminals while in prison are now being allowed to take away skilled jobs from honest, hard working, law abiding businesses and workers

How can this be happening?

Unfortunately, the law voters approved requiring convicts to work while they are in prison did not specify that this work was not to compete with existing businesses and skilled workers.

Most voters really meant for prisoners to do unskilled work for the public good - things like cleaning up parks and roads. They didn't mean that prisoners should be used as cheap, taxpayer subsidized forced labor to compete against local businesses and displace highly trained workers who have earned the right to do skilled family-wage jobs.

Competition in business is a good thing, but using incarcerated felons - like thieves, drug addicts and rapists - as a low cost way to compete shouldn't be allowed.

Voting yes on Measure 68 will stop prisoners from taking skilled jobs away from our local businesses and honest citizens.

VOTE YES ON MEASURE 68!

(This information furnished by Tim Gauthier, Oregon - Columbia Chapter of the National Electrical Contractors Association.)

(This space purchased for \$300 in accordance with ORS 251.255.)

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Measure No. 68

ARGUMENT IN FAVOR

Letting convicts take away jobs is just plain wrong – Vote yes on 68 to stop it.

When Oregonians voted to require prisoners to work we didn't mean for them to compete with law-abiding citizens and businesses. But the law is flawed and is letting this happen.

I represent over 3000 electricians and their families throughout Oregon. We care about crime and our communities. I worked long and hard to earn the right to be a skilled Journeyman Electrician. I did so after serving my country in the military, while raising a family, and suffering through good economic times and bad – and all the while abiding by and respecting the laws of this country and the state of Oregon.

I firmly believe that if you commit a crime you go to jail. And I firmly believe that convicted prisoners should work. But criminals should not be used for work that directly competes with law abiding workers and established businesses.

Letting companies compete for business using cheap labor from convicted criminals not only takes away jobs but also reduces taxes paid to our state and local governments and hurts local businesses. This doesn't make sense. Out of state contractors are using this loophole to undermine our local workforce.

We need to fix the law by voting **YES on MEASURE 68**. Measure 68 will stop prison labor from competing with existing local workers and businesses.

Support Oregon's communities, workers, and businesses and **vote yes on measure 68**. It's the right thing to do.

Jerry Bruce, Business Manager
International Brotherhood of Electrical Workers Local 68

(This information furnished by Jerry Bruce, IBEW Local 48.)

(This space purchased for \$300 in accordance with ORS 251.255.)

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ARGUMENT IN FAVOR

STOP CONVICTED PRISONERS FROM CONTINUING TO HARM OREGON

VOTE YES ON BALLOT MEASURE 68

After a criminal is convicted and locked up in one of our prisons they can no longer hurt law abiding Oregonians – right?

Wrong!

The law we passed to require prisoners to work while in prison has backfired and needs fixed. Prisoners are now being used to provide cheap labor to directly compete with Oregon's workers and businesses.

The result is convicted thieves, rapists, and drug dealers are taking jobs away from skilled workers and harming local economies. This isn't right. This isn't what we had in mind when voted for prisoners to work.

We meant for them to clean up our roads and parks and do things that don't compete with established businesses and their loyal employees.

Vote yes on Measure 68 to fix the current law

Voting Yes on 68 will prohibit prison labor from displacing or significantly reducing preexisting private enterprise and workers.

Don't let convicted criminals continue to hurt our citizens and communities from behind bars. Vote yes on measure 68 to keep Oregon safe and law-abiding citizens working.

(This information furnished by Bob Shiprack, Oregon State Building and Construction Trades Council.)

(This space purchased for \$300 in accordance with ORS 251.255.)

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Measure No. 68

ARGUMENT IN FAVOR

AFSCME Council 75

Oregon voters did not expect convicts to take away jobs from the general public when Ballot Measure 17 was passed in 199_. That's why we support Ballot Measure 68 this November.

Measure 68 doesn't do away with Measure 17, it just offers some important "fine-tuning" that Oregonians should support.

Measure 17 said inmates must work, and we support that concept. We believe it's good for prison crews to be out cleaning roadsides, picking up litter, cleaning parks and repairing storm damage and doing other menial, manual labor. It's an important aspect of having these people repay their debt to society.

But supporters of Measure 17, we are sure, never meant for murderers, rapists and others to be taking away good-paying jobs from honest Oregonians who need them. Law-abiding citizens certainly should have first priority.

Measure 68 will do just that. Measure 68 will instill some needed flexibility to the language contained in Measure 17. The law needs to be fixed so that the Oregon Department of Corrections can properly focus on exactly which jobs prisoners can and cannot do. Convicted criminals are already living off of taxpayer money; we don't need them to go out and "steal" our jobs on top of it!

Let's be clear: inmates will still be working. They just won't have the ability to take good jobs away from the general public. That's an unintended consequence of Measure 17, and fixing that problem is what Ballot Measure 68 is all about.

Vote YES on 68!

(This information furnished by Margaret Hughes, Oregon AFSCME Council 75.)

(This space purchased for \$300 in accordance with ORS 251.255.)

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ARGUMENT IN FAVOR

For Oregon's Sake, Vote Yes on 68

Do you know what is happening in your backyard? In your cities, in your towns and in your communities? All throughout Oregon? Criminals are taking family wage jobs away from hardworking, law abiding citizens. This does not make sense.

It gets worse. The people leading the charge to take these jobs away are out of state contractors. That's right, your taxpayer money is subsidizing out of state contractors to hire convicts to perform work for them.

Criminals are in jail for a reason, they broke the law. Once behind bars, why should they be given the opportunity to take away our jobs? The answer is common sense, they shouldn't be given this opportunity.

Please join me in the fight to keep Oregon's criminals and out of state contractors from stealing jobs from honest, hard working Oregonians!

Support your community, Vote Yes on Measure 68.

Mark Holliday
Operating Engineers Local 701

(This information furnished by Mark Holliday, Operating Engineers Local 701.)

(This space purchased for \$300 in accordance with ORS 251.255.)

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Measure No. 68

ARGUMENT IN FAVOR

Vote Yes on 68 to stop murderers, rapists and molesters from taking family wage jobs from hard-working, law abiding citizens.

Can this be true? Sadly, it is true and happening all over our great state of Oregon.

Currently, Oregon law allows companies to use prison labor to directly compete for family wage jobs that otherwise law abiding citizens would otherwise be hired to do. This puts people in our communities out of work. Criminals are being put to work, while honest, hard working citizens go unemployed.

Excuse me, but.....what?

Putting criminals to work is a great idea, but not when it takes jobs away from law abiding citizens. These criminals are given the right to perform technical jobs that honest, hard working citizens are professionally trained for years to earn the right to work in our industry.

When Oregonians voted for inmate labor, they intended it be for cleaning roads, picking up litter, cleaning parks and manual labor. Not taking away family wage jobs of people who have been professionally trained.

Help save jobs for law abiding citizens.

Vote Yes on 68.

Paddy Barry
Ironworkers Local 29

(This information furnished by Paddy Barry, Ironworkers Local 29.)

(This space purchased for \$300 in accordance with ORS 251.255.)

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ARGUMENT IN FAVOR

Hard working Oregonians and local small businesses need your help – Vote Yes on Ballot Measure 68

Out-of-state contractors are abusing a loophole here in Oregon. They are using criminals in prison to take construction jobs away from local contractors and hard-working, honest Oregonians.

When we all voted to make Oregon prisoners work while they served time, we never imagined they would be taking jobs away from law-abiding Oregonians, but this is exactly what is happening.

This measure would still require prisoners to work, but not at the expense of Oregon families. The criminals would be doing what we originally imagined, picking up trash and painting over graffiti.

This measure would fix the problem and give Oregonians their jobs back. For the sake of all the hard working, law-abiding Oregonians, join me in voting **Yes on Ballot Measure 68.**

(This information furnished by Robert Blake, Columbia Chapter of the Sheet Metal Air Conditioning National Association - SMACNA.)

(This space purchased for \$300 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. 68

ARGUMENT IN FAVOR

DO WHAT IS FAIR

LET COMMON SENSE PREVAIL

VOTE YES ON BALLOT MEASURE 68

BALLOT MEASURE 68 IS AN ISSUE OF FAIRNESS.

THE MEN AND WOMEN WHO BELONG TO OUR UNION WORK FOR YEARS TO BECOME EXPERTS AT THEIR JOBS TO BE ABLE TO PROVIDE A STEADY FAMILY WAGE, HEALTH CARE AND RETIREMENT BENEFITS FOR THEIR FAMILIES AND THEIR FUTURE. THESE ARE HONEST PEOPLE. THEY DESERVE A FAIR OPPORTUNITY TO WORK IN THEIR PROFESSION.

CONVICTS DO NOT DESERVE THE OPPORTUNITY TO TAKE AWAY JOBS. THEY ARE CRIMINALS. THEY ARE BEHIND BARS FOR A REASON. ALLOWING CRIMINALS TO TAKE OUR JOBS PUTS HARDWORKING, PROFESSIONALLY TRAINED OREGONIANS AND THEIR FAMILIES AT RISK FOR LOSING JOBS.

I HAVE EXPERIENCED FIRSHAND HOW DEVASTATING THIS LAW CAN BE. I HAVE SEEN HARDWORKING, HONEST INDIVIDUALS OUT-OF-WORK, WHILE CRIMINALS WERE BEING USED TO PERFORM WORK WE ARE TRAINED TO DO.

THIS IS NOT FAIR.

WE CARE ABOUT OUR COMMUNITIES. WE CARE ABOUT OUR FAMILIES. WE CARE ABOUT OUR JOBS.

FOR ALL OF THESE REASONS, **PLEASE VOTE YES ON BALLOT MEASURE 68.**

THIS IS AN ISSUE OF FAIRNESS.

(This information furnished by William S. Wilkerson, Linoleum, Carpet & Soft Tile Applicators Local Union No. 1236.)

(This space purchased for \$300 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

Oregon voters did not expect convicts to take away jobs from the general public when Ballot Measure 17 was passed. That's why we support Ballot Measure 68 this November.

Measure 68 doesn't do away with Measure 17, it just offers some important "fine-tuning" that Oregonians should support.

Measure 17 said inmates must work, and we support that concept. We believe it's good for prison crews to be out cleaning roadsides, picking up litter, cleaning parks and doing other menial, manual labor. It's an important aspect of having these people repay their debt to society.

But supporters of Measure 17, we are sure, never meant for murderers, rapists and others to be taking away good-paying jobs from honest Oregonians who need them. Law-abiding citizens certainly should have first priority.

Measure 68 will do just that. Measure 68 will instill some needed flexibility to the language contained in Measure 17. The law needs to be fixed so that the Oregon Department of Corrections can properly focus on exactly which jobs prisoners can and cannot do. Convicted criminals are already living off of taxpayer money; we don't need them to go out and "steal" our jobs on top of it!

Let's be clear: Inmates will still be working. They just won't have the right or the ability to take good jobs away from the general public. That's an unintended consequence of Measure 17, and fixing that problem is what Ballot Measure 68 is all about.

Vote YES on 68!

(This information furnished by Lawrence D. Taylor, Chair, Multnomah County Democratic Central Committee.)

(This space purchased for \$300 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. 69

House Joint Resolution 87—Referred to the Electorate of Oregon by the 1999 Legislature to be voted on at the Special Election, November 2, 1999.

BALLOT TITLE

69 AMENDS CONSTITUTION; GRANTS VICTIMS CONSTITUTIONAL RIGHTS IN CRIMINAL PROCEEDINGS, JUVENILE COURT DELINQUENCY PROCEEDINGS.

RESULT OF "YES" VOTE: Yes vote grants victims specified constitutional rights in criminal prosecutions, juvenile court delinquency proceedings.

RESULT OF "NO" VOTE: No vote leaves victims without specific constitutional rights in criminal prosecutions, juvenile court delinquency proceedings.

SUMMARY: Amends Constitution. Currently, Constitution does not grant specific rights to victims in criminal prosecutions or juvenile court delinquency proceedings, although there are statutory rights. Measure places specific victims' rights in Constitution including the right to be present at, and on request to advance notice of, open court proceedings when defendant will be present, be heard at pretrial release hearing, sentencing and juvenile court delinquency disposition; obtain information on request about conviction, sentence, imprisonment, criminal history and release of defendant or youth offender; prompt restitution from convicted criminal; refuse certain discovery requests; be consulted about certain plea negotiations; receive certain transcripts.

ESTIMATE OF FINANCIAL IMPACT: 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 to be added to and made a part of Article I, such section to read:

(1) To preserve and protect the right of crime victims to justice, to ensure crime victims a meaningful role in the criminal and juvenile justice systems, to accord crime victims due dignity and respect and to ensure that criminal and juvenile court delinquency proceedings are conducted to seek the truth as to the defendant's innocence or guilt, and also to ensure that a fair balance is struck between the rights of crime victims and the rights of criminal defendants in the course and conduct of criminal and juvenile court delinquency proceedings, the following rights are hereby granted to victims in all prosecutions for crimes and in juvenile court delinquency proceedings:

(a) The right to be present at and, upon specific request, to be informed in advance of any critical stage of the proceedings held in open court when the defendant will be present, and to be heard at the pretrial release hearing and the sentencing or juvenile court delinquency disposition;

(b) The right, upon request, to obtain information about the conviction, sentence, imprisonment, criminal history and future release from physical custody of the criminal defendant or convicted criminal and equivalent information regarding the alleged youth offender or youth offender;

(c) The right to refuse an interview, deposition or other discovery request by the criminal defendant or other person

acting on behalf of the criminal defendant provided, however, that nothing in this paragraph shall restrict any other constitutional right of the defendant to discovery against the state;

(d) The right to receive prompt restitution from the convicted criminal who caused the victim's loss or injury;

(e) The right to have a copy of a transcript of any court proceeding in open court, if one is otherwise prepared;

(f) The right to be consulted, upon request, regarding plea negotiations involving any violent felony; and

(g) The right to be informed of these rights as soon as practicable.

(2) This section applies to all criminal and juvenile court delinquency proceedings pending or commenced on or after the effective date of this section. Nothing in this section reduces a criminal defendant's rights under the Constitution of the United States. Except as otherwise specifically provided, this section supersedes any conflicting section of this Constitution. Nothing in this section is intended to create any cause of action for compensation or damages nor may this section be used to invalidate an accusatory instrument, ruling of a court, conviction or adjudication or otherwise suspend or terminate any criminal or juvenile delinquency proceedings at any point after the case is commenced or on appeal.

(3) As used in this section:

(a) "Convicted criminal" includes a youth offender in juvenile court delinquency proceedings.

(b) "Criminal defendant" includes an alleged youth offender in juvenile court delinquency proceedings.

(c) "Victim" means any person determined by the prosecuting attorney to have suffered direct financial, psychological or physical harm as a result of a crime and, in the case of a victim who is a minor, the legal guardian of the minor. In the event that no person has been determined to be a victim of the crime, the people of Oregon, represented by the prosecuting attorney, are considered to be the victims. In no event is it intended that the criminal defendant be considered the victim.

(d) "Violent felony" means a felony in which there was actual or threatened serious physical injury to a victim or a felony sexual offense.

PARAGRAPH 2. The amendment proposed by this resolution shall be submitted to the people for their approval or rejection at a special election held throughout this state on the date specified in section 2, chapter __, Oregon Laws 1999 (Enrolled House Bill 2354).

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

Measure No. 69

EXPLANATORY STATEMENT

This measure amends the Bill of Rights in the Oregon Constitution by granting certain rights to victims of crimes and acts of juvenile delinquency. If approved, this amendment will give victims:

1. The right to be informed of and present at certain stages of the proceedings and to speak at pretrial release hearings and at sentencing or disposition proceedings.
2. The right to obtain information about the person charged with or convicted of the crime or act of juvenile delinquency. The information includes information about the person's conviction, sentence, imprisonment, criminal history and future release from custody or similar information if the person is a juvenile.
3. The right to refuse an interview, deposition or other request for information by the person accused of committing the crime or act of juvenile delinquency.
4. The right to receive prompt payment from the criminal or youth offender for certain monetary damages caused by the criminal or youth offender's actions.
5. The right to have a copy of the transcript of court proceedings if one is otherwise prepared.
6. The right to be consulted about plea negotiations involving violent felonies.
7. The right to be informed of these rights as soon as practicable.

The rights granted by the measure will apply to all criminal and juvenile delinquency proceedings that are pending, or that begin, on or after the effective date of this measure.

Except as otherwise specifically provided, this measure supercedes any conflicting section of the Oregon Constitution.

Committee Members:

Senator Neil Bryant
 Representative Kevin Mannix
 Senator Kate Brown
 Representative Floyd Prozanski
 Representative Lane Shetterly

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.)

ARGUMENT IN FAVOR

VOTE YES ON MEASURE 69

TO RE-AFFIRM THE WILL OF THE VOTERS

This referral from the Legislature reflects part of Measure 40, passed by a large margin in November 1996. The Oregon Supreme Court later ruled that Measure 40 could not be enacted as a single amendment to the Oregon Constitution. The court said that each amendment must be voted on separately. Therefore, the Legislature has split the original Measure 40 into seven separate amendments to the Oregon Constitution and referred these amendments to the voters. This measure reflects one part of the original Measure 40.

This measure preserves and protects the right of crime victims to justice, ensures crime victims a meaningful role in the criminal and juvenile justice systems, accords crime victims due dignity and respect, and ensures that criminal and juvenile court delinquency proceedings are conducted to seek the truth as to the defendant's innocence or guilt. It ensures that a fair balance is struck between the rights of crime victims and the rights of criminal defendants.

While the rights of crime victims have been placed in some statutes, those rights are not as strong as the ones in this measure. Also, when a crime victim's statutory rights are weighed against a criminal defendant's constitutional rights, the constitutional rights will prevail. This is why it is important to make sure that the crime victim's rights are also in the Constitution.

Referral of this measure to the voters was sought by the three largest, longest established victims' organizations in Oregon (Parents of Murdered Children; Mothers Against Drunk Driving; Crime Victims United) and by Oregon law enforcement organizations (Association Chiefs of Police; District Attorneys Association; State Sheriffs Association; State Police; Federation of Parole and Probation Officers).

Please vote yes on Measure 69.

Kevin L. Mannix
 State Representative

(This information furnished by Kevin L. Mannix, Justice For All.)

(This space purchased for \$300 in accordance with ORS 251.255.)

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Measure No. 69

ARGUMENT IN FAVOR

In 1996, Oregonians overwhelmingly voted to give crime **victims** at least as many rights as **criminals**. But the politicians on the Oregon Supreme Court came up with a never-before used technicality to throw out the voters' wishes.

Measures 69 through 75 are virtually the same Crime Victims Bill of Rights.

Measure 69 gives crime **victims** the following constitutional rights:

- The right to be present.
- The right to receive restitution from the criminal.
- The right to find out if the criminal was convicted and what sentence was imposed.
- The right to find out if and when the criminal is going to be released.
- The right to refuse an interview by the criminal or the criminal's attorney.
- The right to a transcript of the proceedings.
- The right to be consulted about plea negotiations for violent felonies.

While these rights may seem self evident, each year **thousands** of crime victims are shocked to learn that the focus of the Oregon criminal justice system is on the **criminal-not justice!**

Since its creation in 1982, Crime Victims United has worked to return balance to the Oregon criminal justice system.

PLEASE VOTE YES ON MEASURES 69 THROUGH 75!

SHOULDN'T THE CRIME VICTIM HAVE AT LEAST AS MANY RIGHTS AS THE CRIMINAL?

(This information furnished by Steve Doell, Crime Victims United.)

(This space purchased for \$300 in accordance with ORS 251.255.)

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ARGUMENT IN FAVOR

In the last 4 or 5 decades law-abiding citizens of Oregon have lost many protections they formerly took for granted. As courts and criminal defense oriented politicians continued to expand rights, privileges and advantages for criminal defendants, law-abiding citizens found they had little chance of receiving just treatment when they fell victim to a crime.

In response, crime victims and other concerned citizens sponsored a Constitutional Crime Victims Amendment known as Ballot Measure 40 in 1996, which passed, by a large majority of the vote. We were Chief Petitioners on Measure 40.

In the 18 years we've been Crime Victims advocates we have become familiar with hundreds of cases. This knowledge let us contemplate how Measure 40 would have impacted these cases had it been in effect at the time the crime was committed. We felt great pride in our contribution towards Measure 40's passage. This pride was short lived. In 1998 Oregon's Supreme Court overturned Measure 40 in its entirety using newly interpreted technical grounds.

Once again Oregonians were denied treatment that would be afforded them in other states.

The opponents of Crime Victims Rights, The Defense Bar, The ACLU and like minded people have made many unfounded, unprincipled claims in the past in an obvious attempt to manipulate the voters. They would have you believe crime victims should have no concern in the case or it's outcome. They have used the naïve, the parents of offenders and even an occasional confused and conflicted victim to further their apparent goal of demanding that offenders receive technical perfection.

Measure 69 is the first of 7 measures including 70, 71, 72, 73, 74, & 75 containing most of Ballot Measure 40 already passed by the voters in Oregon in 1996. We urge its passage.

Bob & Dee Dee Kouns
 Founders of Crime Victims United;
 Chief Petitioners of Ballot Measure 40

(This information furnished by Bob & Dee Dee Kouns, Crime Victims United.)

(This space purchased for \$300 in accordance with ORS 251.255.)

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Measure No. 69

ARGUMENT IN OPPOSITION

We Are Survivors of Crime who object to being used in this blatant attempt to gut the Oregon Bill of Rights.

We urge you to VOTE NO ON MEASURES 69, 70, 71, 72, 73, 74 and 75.

Here's why we oppose these measures.

1. If the Oregon Legislature really wanted to help victims of crime, these measures would force criminals to pay restitution to victims. Even Measure 69 -- the so-called "victim's rights" measure -- does nothing to address the current inequities in the restitution system.

2. Many of these measures allow the state to assume the role of victim or choose the victim that most closely represent its views. The wishes of the real victim are often ignored in criminal proceedings today... and Measure 69 would make it worse.

3. These measures give far too much power to the state to arrest and convict innocent people. As crime victims, we know the basic tenet of our judicial system is fair and impartial trials, where the accused are innocent until proven guilty. Power in the courtroom should rest with judges. Defendants and the state should each have a fair chance to present their case. These measures tip the balance of power to the government. That's wrong.

4. These measures could cost millions of dollars, dollars that could be better used to pay for police officers or to ensure that restitution is paid to victims. Instead, they will be wasted on costly and ineffective measures. This is truly government waste of our tax dollars.

Please join us in voting No on Measures 69-75.

- Arwen Bird
- Michele Kohle
- Jessie Willis
- Chip Shields
- Jo Anne Bird
- Jill Williams
- Robin Shanafelt
- Sierra Bird
- Scott Talley
- Gail Meyer
- James Marston Morgan

(This information furnished by Arwen Bird, Survivors Advocating For an Effective System.)

(This space purchased for \$300 in accordance with ORS 251.255.)

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ARGUMENT IN OPPOSITION

Crime Victims Oppose Measures 69, 70, 71, 72, 73, 74 and 75.

I was paralyzed six years ago when my sister and I were hit by a drunk driver. It gave me a new perspective on life... though I could do without the wheelchair.

As I watch the debate over criminal justice in Oregon, I am angered that victims of crime are being used by politicians to further their own political ambitions.

Measures 69 through 75 do nothing to help victims of crime. The measures are merely smokescreens to increase the power of politicians and the government.

I oppose all of these measures and hope that the citizens of Oregon can see through these cynical attempts to use crime victims to turn Oregon into a police state.

Vengeance may make some people feel better. But it does not reduce crime in our streets. This series of measures has nothing to do with keeping convicted criminals in jail. But they do eliminate significant protections from the Oregon Bill of Rights.

As a crime victim, I believe it is wrong for the power in our courtrooms to be shifted from the judge to government prosecutors.

As a crime survivor, I believe our efforts should be geared to catching criminals, forcing them to pay restitution and requiring them to serve sentences in prisons where they are re-trained to join society as taxpayers rather than law breakers.

Most of all, I believe in the Oregon Bill of Rights. Our Oregon Bill of Rights is designed to protect the innocent from overzealous government prosecutors. Our history is rife with abuses of government power.

Protect Oregonians from undue government power.

Protect the rights of the accused.

Don't be fooled by proponents of these measures who claim to speak for victims of crime.

Please join me and many other victims of crime in voting No on Measures 69 through 75.

Thank you.

Arwen Bird

Co-founder, Survivors Advocating for An Effective System

(This information furnished by Arwen Bird, Survivors Advocating For an Effective System.)

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Measure No. 69

ARGUMENT IN OPPOSITION

Benton County Sheriff Stan Robson urges you to vote No on Measures 69, 70, 71, 72, 73, 74 and 75.

As Benton County Sheriff, I know most of these measures can be accomplished without repealing the Oregon Bill of Rights. It is not appropriate to abuse the constitution with issues already covered by current law.

Measure 69 states no defendant can ever be considered a victim. Even in cases of domestic violence a woman charged for defending herself against an abusive husband could never be considered a victim. It's wrong to place that language in our Bill of Rights.

Measure 70 could cost local counties millions of dollars, while eliminating the right to choose how to be tried, a basic tenet of Oregon's Bill of Rights.

Measure 71 would require our county, and many others with overcrowded jails, to release criminals to make room for those awaiting trial. As sheriff, I want to protect my community from the most dangerous offenders, not release them early because of Measure 71.

Measure 72. Oregon should take every precaution against convicting innocent people of murder. Unanimous verdicts are the best means of proving guilt beyond a reasonable doubt. Innocent people could be convicted if Measure 72 passes.

Measure 73. Our Bill of Rights says a person cannot be forced to testify against himself. As Sheriff, I know we either have a confession or we don't. This basic right must not be repealed.

Measure 74: In our current system, law enforcement works with prosecutors and judges to determine appropriate sentences, including work release, home detention and community service. This measure will increase overcrowding in our jails. And it will strip us of valuable alternative sanctions that often fit the crime better than jail time.

Measure 75 could cost taxpayers millions. Our current jury system is fair and balanced. We should leave our Bill of Rights alone.

Please join me in Voting No on Measures 69-75.

Sheriff Stan Robson

(This information furnished by Stan Robson, Benton County Sheriff.)

(This space purchased for \$300 in accordance with ORS 251.255.)

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ARGUMENT IN OPPOSITION

It is a parent's worst nightmare.

The knock on the door from the police comes in the middle of the night. The officer tells me my child is dead. "He was a passenger...his best friend was driving...the driver had been drinking." I heard it through a fog.

Having suffered through this horror, we didn't relish the thought of our friend's family being similarly torn. Sending our son's friend to prison wasn't going to bring our son back, but working with our friend in the wake of this tragedy could have been healing for all of us.

The prosecutor ignored our wishes.

Measure 69 would lock this sort of prosecutorial callousness into our Constitution. One of the sneaky things that Measure 69 would do is give prosecutors the constitutional power to ignore crime victims like us, because Measure 69 gives prosecutors the right to decide who is a victim and who isn't. On top of that, the Measure says crime victims have no recourse if the government violates the rights that Measure 69 supposedly provides.

That's the part that really upsets me. Measure 69 is supposed to be for crime victims, but all I see in this measure are provisions to give prosecutors even more power. By law, crime victims already have every right this measure supposedly provides. The only new rights are the ones for the government.

Please Vote No on Measures 69, 70, 71, 72, 73, 74 and 75.

Janette Gail

(This information furnished by Janette Gail.)

(This space purchased for \$300 in accordance with ORS 251.255.)

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Measure No. 69

ARGUMENT IN OPPOSITION

MATCH THE MEASURES

An index to Measures 69, 70, 71, 72, 73, 74 and 75

- Measure that says government gets to decide who is a victim and whenMeasure 69
- Measure that gives Oregon prosecutors the same powers Kenneth Starr usedMeasure 73
- Measure that repeals significant sections of the Oregon Bill of RightsAll of them
- Measure that could force background checks for all potential jurorsMeasure 75
- Measure that says a defendant can never be a victim, even in cases of domestic abuse.....Measure 69
- Measure that could cost taxpayers millions of dollarsAll of them
- Measure that will lead to innocent people being convicted of murderMeasure 72
- Measure that forces a person to testify against himself and then be prosecutedMeasure 73
- Measure that will cause early release of prisoners from county jails.....Measures 71 and 74
- Measure that says people are Guilty Until Proven Innocent.....Measure 71
- Measure that slaps voters in the faceMeasure 74
- Measure that could force rape and incest victims to testify before juries against their willMeasure 70
- Measure opposed by Crime Victims For JusticeAll of them
- Measure that takes power from judges and gives it to government prosecutorsMeasure 70 and 71
- Measure that assumes every person arrested is guiltyMeasure 71
- Measure that could keep people caught fishing without a license off of juriesMeasure 75
- Measure giving the state power to demand jury trials even when victims don't want one.....Measure 70
- Measure that would allow those falsely accused to be held for months before trialMeasure 71
- Best way to protect Oregon's Bill of RightsVote No on Measures 69-75

(This information furnished by Martin Gonzalez, Crime Victims for Justice.)

(This space purchased for \$300 in accordance with ORS 251.255.)

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Measure No. 70

House Joint Resolution 88—Referred to the Electorate of Oregon by the 1999 Legislature to be voted on at the Special Election, November 2, 1999.

BALLOT TITLE

70 AMENDS CONSTITUTION: GIVES PUBLIC, THROUGH PROSECUTOR, RIGHT TO DEMAND JURY TRIAL IN CRIMINAL CASES.

RESULT OF "YES" VOTE: "Yes" vote gives public, through prosecutor, right to demand jury trial in criminal cases.

RESULT OF "NO" VOTE: "No" vote retains current right of accused person to waive jury with approval of judge and leaves public without right to demand jury trial in criminal cases.

SUMMARY: Amends Constitution. Oregon Constitution currently grants only accused person right to demand jury trial in criminal prosecution. Measure grants public, through prosecutor, an independent constitutional right to demand jury trial in criminal cases. Currently accused person can waive jury trial with consent of trial court judge and have case tried to court alone. If measure is approved, prosecutor could demand jury trial if accused person requests trial without jury; prosecutor's demand would prevail. Does not require jury in juvenile court.

ESTIMATE OF FINANCIAL IMPACT: 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 to be added to and made a part of Article I, such section to read:

(1) The people of the State of Oregon have the right to a public trial by a jury, without delay, in any criminal prosecution.

(2) This section applies to all criminal proceedings pending or commenced on or after the effective date of this section except when a trial before a judge, without a jury, is already in progress upon the effective date of this section. Nothing in this section reduces a criminal defendant's rights under the Constitution of the United States. Except as otherwise specifically provided, this section supersedes any conflicting section of this Constitution. Nothing in this section is intended to create any cause of action for compensation or damages nor may this section be used to invalidate an accusatory instrument, ruling of a court, conviction or adjudication or otherwise suspend or terminate any criminal proceeding at any point after the case is commenced or on appeal. Nothing in this section shall be construed to require a jury trial in any juvenile court proceeding.

(3) The prosecuting attorney is the party authorized to assert or waive the right established by this section. Nothing in this section shall be construed as modifying or limiting the authority of the prosecuting attorney to enter into negotiated pleas and dispositions in criminal prosecutions.

PARAGRAPH 2. The amendment proposed by this resolution shall be submitted to the people for their approval or rejection at a special election held throughout this state on the date specified in section 2, chapter _____, Oregon Laws 1999 (Enrolled House Bill 2354).

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

EXPLANATORY STATEMENT

This measure amends the Bill of Rights in the Oregon Constitution by giving the people of Oregon, through a prosecuting attorney, the right to demand a jury trial in criminal cases.

Currently, the Oregon Constitution allows only the accused person the right to demand a jury trial in a criminal case. If the accused person does not want a jury to determine whether the person is guilty or not guilty, the accused person can waive a jury trial. If the judge consents to the person's waiver, the case is tried to the judge alone and the judge determines whether the person is guilty or not guilty.

If this measure is approved, the prosecuting attorney could demand a jury trial even if the accused person wanted a trial without a jury. If the prosecuting attorney demanded a jury trial, the case would have to be tried to a jury.

This measure does not create a right to a jury trial in a juvenile court delinquency proceeding.

Except as otherwise specifically provided, this measure supersedes any conflicting section of the Oregon Constitution.

Committee Members:

Senator Neil Bryant
Representative Kevin Mannix
Senator Kate Brown
Representative Floyd Prozanski
Representative Lane Shetterly

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. 70

ARGUMENT IN FAVOR

**VOTE YES ON MEASURE 70
TO GIVE THE PEOPLE AND CRIME VICTIMS
THE RIGHT TO A JURY TRIAL**

In November 1996, a strong majority of voters passed Ballot Measure 40, which amended the Oregon Constitution to allow crime victims, and the people, the right to a jury trial, just as the criminal defendant has the right to demand a jury trial. Ballot Measure 40 was set aside by the Oregon Supreme Court on the basis that Measure 40 contained more than one amendment to the Oregon Constitution, and each component needed to be voted on separately. The Legislature has now referred this part of original Measure 40 back to the voters.

The Oregon Supreme Court has ruled that the criminal defendant can demand a right to a trial by jury, but has not allowed the people the same right if the defendant asks for a trial by the judge without a jury.

This measure is designed to preserve and protect the right of crime victims, and the people, to justice by ensuring that the people also have a right to demand a jury trial.

Referral of this measure to the voters was sought by the three largest, longest established victims' organizations in Oregon (Parents of Murdered Children; Mothers Against Drunk Driving; Crime Victims United) and by Oregon law enforcement organizations (Association Chiefs of Police; District Attorneys Association; State Sheriffs Association; State Police; Federation of Parole and Probation Officers).

As chief petitioner of Ballot Measure 40, and as the originator of this referral to the voters, I urge your yes vote on Measure 70.

Kevin L. Mannix
State Representative

(This information furnished by Kevin L. Mannix, Justice For All.)

ARGUMENT IN FAVOR

In 1996, Oregonians overwhelmingly voted to give crime **victims** at least as many rights as **criminals**. But the politicians on the Oregon Supreme Court came up with a never-before used technicality to throw out the voters' wishes.

Measures 69 through 75 are virtually the same Crime Victims Bill of Rights.

What the court **threw out** would have put an end to the practice of criminal defendants manipulating the system to find a sympathetic judge to try their case **without a jury!**

On Mother's Day 1997, Danielle House shot to death Duane Hayes. At trial, the defendant attempted to have her case tried by the judge without a jury. The prosecution objected.

Because the Supreme Court had not yet ruled on the voter-passed Crime Victims Bill of Rights, the judge was forced to let a jury decide. Nevertheless, the judge submitted a secret verdict in the event Measure 40 was overturned.

The jury convicted Danielle House of first-degree manslaughter.

After the Crime Victims Bill of Rights was thrown out, the trial judge's verdict was revealed...

NOT GUILTY! SHE WALKED FREE!

Why allow a criminal to go judge shopping?

PLEASE VOTE YES ON MEASURES 69 THROUGH 75!

SHOULDN'T THE CRIME VICTIM HAVE AT LEAST AS MANY RIGHTS AS THE CRIMINAL?

(This information furnished by Steve Doell, Crime Victims United.)

(This space purchased for \$300 in accordance with ORS 251.255.)

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Measure No. 70

ARGUMENT IN FAVOR

We have been volunteer political activist and crime victims advocates since 1980 when our daughter was murdered. We have attended many many court proceedings for other victims & have seen first hand the great need for change. That is why we were Chief Petitioners on Ballot Measure 40 in 1996.

We and many other concerned citizens, were elated by its passage. We believed the law abiding would not be solely subject to the will of criminal advocates any longer.

Our elation turned to sorrow however in 1998 when Oregon's Supreme Court overturned Ballot Measure 40 in its entirety by using unprecedented technical grounds.

The 1999 Legislature has by referral given us the opportunity to reestablish this much needed crime victims bill. Without the attention and shared concern of 1999 voters it won't happen.

Measure 70 will allow both the criminal defendant and the crime victim, under advisement of the District Attorney, to request and receive a jury trial. The need for this measure lies in the fact that many defense attorneys full well knowing the personal philosophy of the judges will delay the case with the aim of getting it into the court of a judge biased in support of criminal defense.

If a criminal defendant wishes a jury trial they are guaranteed that right in the US Constitution. However they are not constitutionally guaranteed a trial before a judge. Measure 70 would allow the victim a trial by jury if they wish even though the defendant is not in agreement.

This is a common sense change eliminating some legal game playing. Criminal Courts play an important role in our society. They may not be merely playgrounds for crafty attorneys.

Criminals have enjoyed many constitutional guarantees. Their victims must be afforded these few. The wishes of Oregon voters can't be ignored. Ballot Measure 70 along with Measures 69, 71, 72, 73, 74, & 75 will reestablish most of Measure 40.

Bob & Dee Dee Kouns
 Founders of Crime Victims United
 Chief Petitioners of Ballot Measure 40

(This information furnished by Bob & Dee Dee Kouns, Crime Victims United.)

(This space purchased for \$300 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

Everyone in America has an absolute right to a jury trial. In Oregon, this is a trial by either 6 or 12 members of the community, depending upon the seriousness of the crime. But Oregon is one of a very small number of states that allow an accused criminal to **bypass** a jury and ask that a judge alone determine his/her guilt.

Measure 70 would require agreement by both the defendant **and the prosecution** in order to bypass the constitutional right to a jury trial.

In most parts of the world the government insists that professional judges decide the guilt or innocent of criminal defendants. The American judicial system is unique, even in English-speaking nations, in its belief in the wisdom of the common person. The system trusts that a slice of the community will almost always be able to determine the true facts of a situation.

The vast majority of judges operating in the American system are fair. But a few are known to be particularly lenient in some kinds of cases or to certain lawyers. These judges tend to be well-known to professional criminal defense lawyers, who then try to steer their cases in to that judge's courtroom. Under Oregon's current system, a criminal defendant, and **only** a criminal defendant (never the prosecution) can waive a jury and ask the judge to decide the case. There is no guarantee of a "judge trial" in either the Oregon or federal constitution.

The Constitution guarantees many rights; the Right to be free from unreasonable searches, the Right to be represented by counsel, and the Right to a fair and public trial.

Just as the Right to a Public Trial belongs to the community – not just the accused criminal – shouldn't the Right to a Jury Trial belong to EVERYONE as well?

Give the community equal rights to criminals, and vote YES ON Measure 70..

(This information furnished by Joshua Marquis.)

(This space purchased for \$300 in accordance with ORS 251.255.)

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Measure No. 70

ARGUMENT IN FAVOR

OUR CONSTITUTION allows defendants a right to a jury trial. And this is a 'Good Thing'.

Presently, under Oregon law, a defendant may choose to forgo a jury trial in favor of a court trial. A court trial simply means that a Judge will decide the case.

A victim, on the other hand, does not have the right to a jury trial under current Oregon law.

WHY WOULD A VICTIM WANT OR NEED A JURY TRIAL?

While Judges are supposed to be unaffected by personal beliefs and personal feelings, in reality they succumb to the same human frailties as the rest of us.

THIS MEASURE, IN NO WAY, IMPEDES THE DEFENDANT'S RIGHT TO A FAIR TRIAL.

It would stop defense attorneys from **SHOPPING** for a judge who will rule in their favor.

VICTIMS NEED to have their story told to a body that is impartial. Also, giving victims the opportunity to a jury trial is the only chance they have for a fair outcome. Our Oregon Constitution has expanded the rights of criminal defendants immeasurably. We need to balance the scales.

LET US GIVE THE VICTIM THE RIGHT TO THE COLLECTIVE WISDOM AND IMPARTIALITY OF A JURY.

PLEASE JOIN ME IN VOTING YES ON MEASURE 70, as well as 69, 71, 72, 73, 74, and 75.

(This information furnished by J L Hobgood, Crime Victims United.)

ARGUMENT IN OPPOSITION

Measure 70 attacks your rights. Measure 70 would allow the prosecution to insist on a jury trial in a criminal case, even if the accused has requested a trial by the judge (called a "bench trial"). Measure 70 would turn the Oregon Constitution (Article I, Section 11) on its head, protecting the "rights" of the government at the expense of the defendant's rights.

The right to a jury trial belongs to the accused, not to the government

Under the Sixth Amendment of the US Constitution and the Oregon Constitution Article I, section 11, the accused is the sole holder of the right to trial by jury. The U.S. Supreme Court confirmed in 1930 that "the framers of the Constitution simply were intent upon preserving the right of trial by jury primarily for the protection of the accused." Because the right to a jury trial is intended to protect the accused, the government has no business invoking this right.

Prosecutors have no good reason to avoid a bench trial

It is difficult to imagine a valid reason why a prosecutor would prefer to present his case to a jury rather than to a judge. One possible explanation is that the prosecutor might wish to exploit the inflammatory nature of the evidence before the jury, recognizing that in a bench trial, the judge would not be swayed by such evidence. Another possibility is that the prosecutor may wish to take advantage of jurors' lack of legal expertise and their natural prejudice about criminal defendants — considerations that are absent in a bench trial. **Such gamesmanship should not be allowed by the Oregon Constitution.**

Anyone can be charged with a crime, even you. If a prosecutor's case cannot withstand scrutiny by the trial judge -- who is the most highly trained, experienced fact finder in the criminal justice system -- then perhaps the case shouldn't be filed in the first place.

Concerns of judicial bias should be addressed through other means

Prosecutors sometimes seek to sidestep bench trials on the ground that judges may be biased against the government. If such concerns exist, there are better means to address these concerns than Measure 70. For example, the judge's bias could be raised before the trial. The objections could be raised when the judges stand for reelection. The judges' rulings on certain issues could be challenged on appeal.

Bench trials save time and resources

Bench trials save time and money. There is no need for jury selection, jury instructions, or jury deliberations. Evidentiary matters can be handled swiftly because it is unnecessary to remove the jury from the courtroom when evidentiary issues are argued. For these reasons, a bench trial is to be welcomed by the government, not shunned.

Vote "NO" on Measure 70.

(This information furnished by Phil Barnhart, Democratic Party of Lane County.)

(This space purchased for \$300 in accordance with ORS 251.255.)

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Measure No. 70

ARGUMENT IN OPPOSITION

Twenty-six years ago, my sister was murdered by a drug dealer. It's one of the defining moments in my life that led me to become a prosecutor and a state representative.

As both a victim of crime and an officer of the court, I oppose Measures 70, 71, 72, 73, 74 and 75.

As a prosecutor, my conviction rate is over 90 percent. Most of the state's district attorneys and municipal prosecutors have similar conviction rates. Prosecutors don't need more power than judges in our courtrooms, yet that's exactly what some of these measures do.

In fact, some of these measures will give government prosecutors the same kind of power as Kenneth Starr. That's not the Oregon way.

As a prosecutor, I am sworn to uphold Oregon's Bill of Rights. The Bill of Rights protects Oregon citizens from overzealous government prosecutors, ensuring that our trials are fair and that both victims and defendants receive justice.

Gutting Oregon's Bill of Rights will not help reduce crime.

While these measures are billed as helping victims of crime, voters must remember they take rights away from every Oregon citizen... rights granted to us under our Oregon Bill of Rights. These measures won't do anything to reduce crime, but they will place innocent Oregonians at greater risk.

These Measures Could Cost Taxpayers Millions of Dollars.

The money we spend on these measures could be used to put more police on our streets or spend more money on educating our children. Education reduces crime and victimization. We should reduce crime, not eliminate protections guaranteed all citizens under the Oregon Bill of Rights.

As a crime victim and a prosecutor, I urge you to vote no on Measures 70-75.

Thank you.

Floyd Prozanski

Municipal Prosecutor and State Representative

(This information furnished by State Representative Floyd Prozanski.)

(This space purchased for \$300 in accordance with ORS 251.255.)

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ARGUMENT IN OPPOSITION

I am a rape survivor who knows firsthand about the danger of giving too much power to government prosecutors.

Following my assault, I reported my attacker within 24 hours, but the police and prosecutor sat on this information. For a year, they failed to follow through on my charges. In that time, he raped three other women. Even after all of that, the prosecutor ignored my pleas and agreed to a bargain that netted my attacker a lousy 60 days in jail. After release, he assaulted yet another woman!

Now prosecutors are asking us to give them even more powers in the name of protecting crime victims. Measure 70 gives prosecutors complete control over whether a trial will be held or a plea bargain entertained, because under Measure 70, the right to demand a jury trial can be granted or waived only by the prosecutor, not the real crime victim.

If you couple that power with Measure 69, which gives prosecutors the scary power to decide who is a victim and who isn't, crime victims will be in trouble, not criminals. Even if the government decides you are a victim of crime, Measure 69 doesn't provide any recourse if the government prosecutor violates the rights this measure supposedly provides to crime victims.

It makes me angry that all of these measures, 69, 70, 71, 72, 73, 74 and 75, are being advertised as protections for people like me. It wasn't the system that failed me. It was the police and prosecutors. I am totally opposed to giving them even more power to walk all over crime victims.

Please vote No on Measures 69-75.

Jessie Willis

(This information furnished by Jessie Willis.)

(This space purchased for \$300 in accordance with ORS 251.255.)

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Measure No. 70

ARGUMENT IN OPPOSITION

PLEASE VOTE NO ON MEASURES 69-75

Ballot Measures 69-75 are being advertised as the re-making of Ballot Measure 40, which was passed in 1996 and subsequently thrown out by the Oregon Supreme Court. This is what Oregon's largest newspapers had to say about Measure 40:

The Register-Guard:
(October 8, 1996)

"MEASURE LIMITS RIGHTS"

"The measure goes several steps too far in the name of victims' rights and should be rejected."

"Oregonians should not adopt...measures that unduly restrict their own rights as citizens."

"Most of the best ideas contained in the measure...were adopted by Oregonians 10 years ago. There's no need to lock these existing provisions into the Constitution."

"While the good that Measure 40 would do is unnecessary, the bad would be disastrous. Too many of the measure's new provisions go too far beyond protecting victims' rights...Weakening Oregon's Bill of Rights is a poor way to serve the interests of crime victims. Measure 40 should be soundly rejected."

The Bend Bulletin:
(October 16, 1996)

"VICTIMS' RIGHTS' INITIATIVE GOES TOO FAR"

"Measure 40 tries to do too much...Some of these are...serious intrusions on the constitutional rights of Oregonians."

"Measure 40 has drawn the opposition of many Oregon leaders, including state attorney general candidates Hardy Myers and Victor Hofer, former AG Dave Frohnmayer and Gov. John Kitzhaber."

The Oregonian:
(Oct. 14, 1996)

"NO ON MEASURE 40"

"Measure 40 comes to the general election ballot in the guise of a crime victims' rights provision, but its truly important parts are about something else. They're about such things as reducing Oregon's constitutional protection..."

"The measure threatens to add constitutional confusion to the way convicted offenders are sentenced. It may even require far more arrested persons to be kept in already overcrowded jails before their trials."

"We recommend that voters turn down the measure."

(This information furnished by Geoff Sugerman, Crime Victims for Justice.)

(This space purchased for \$300 in accordance with ORS 251.255.)

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Measure No. 71

House Joint Resolution 90—Referred to the Electorate of Oregon by the 1999 Legislature to be voted on at the Special Election, November 2, 1999.

BALLOT TITLE

71 AMENDS CONSTITUTION: LIMITS PRETRIAL RELEASE OF ACCUSED PERSON TO PROTECT VICTIMS, PUBLIC.

RESULT OF "YES" VOTE: Yes vote limits pretrial release of persons accused of violent felonies to protect victims, public.

RESULT OF "NO" VOTE: No vote leaves current Oregon statutory pretrial release and constitutional bail provisions unchanged.

SUMMARY: Amends Constitution. Grants victims right to reasonable protection from accused person or convicted criminal throughout criminal justice process, and from alleged youth offender or youth offender throughout juvenile delinquency process. Prosecuting attorney is the person authorized to assert rights of victims and public. Pretrial release in criminal cases must be based on reasonable protection of victims and public as well as likelihood accused person will appear for trial. Makes violent felonies not bailable when court finds probable cause to believe accused person committed crime, and danger exists of physical injury or sexual victimization to victims or public if accused person released before trial.

ESTIMATE OF FINANCIAL IMPACT: 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 to be added to and made a part of Article I, such section to read:

(1) To ensure that a fair balance is struck between the rights of crime victims and the rights of criminal defendants in the course and conduct of criminal proceedings, the following rights are hereby granted to victims in all prosecutions for crimes:

(a) The right to be reasonably protected from the criminal defendant or the convicted criminal throughout the criminal justice process and from the alleged youth offender or youth offender throughout the juvenile delinquency proceedings.

(b) The right to have decisions by the court regarding the pretrial release of a criminal defendant based upon the principle of reasonable protection of the victim and the public, as well as the likelihood that the criminal defendant will appear for trial. Murder, aggravated murder and treason shall not be bailable when the proof is evident or the presumption strong that the person is guilty. Other violent felonies shall not be bailable when a court has determined there is probable cause to believe the criminal defendant committed the crime, and the court finds, by clear and convincing evidence, that there is danger of physical injury or sexual victimization to the victim or members of the public by the criminal defendant while on release.

(2) This section applies to proceedings pending or commenced on or after the effective date of this section. Nothing in this section abridges any right of the criminal defendant guaranteed by the Constitution of the United States, including the rights to be represented by counsel, have counsel

appointed if indigent, testify, present witnesses, cross-examine witnesses or present information at the release hearing. Nothing in this section creates any cause of action for compensation or damages nor may this section be used to invalidate an accusatory instrument, ruling of a court, conviction or adjudication or otherwise suspend or terminate any criminal or juvenile delinquency proceeding at any point after the case is commenced or on appeal. Except as otherwise specifically provided, this section supersedes any conflicting section of this Constitution.

(3) As used in this section:

(a) "Victim" means any person determined by the prosecuting attorney to have suffered direct financial, psychological or physical harm as a result of a crime and, in the case of a victim who is a minor, the legal guardian of the minor. In the event no person has been determined to be a victim of the crime, the people of Oregon, represented by the prosecuting attorney, are considered to be the victims. In no event is it intended that the criminal defendant be considered the victim.

(b) "Violent felony" means a felony in which there was actual or threatened serious physical injury to a victim or a felony sexual offense.

(4) The prosecuting attorney is the party authorized to assert the rights of the victim and the public established by this section.

PARAGRAPH 2. The amendment proposed by this resolution shall be submitted to the people for their approval or rejection at a special election held throughout this state on the date specified in section 2, chapter _____, Oregon Laws 1999 (Enrolled House Bill 2354).

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

EXPLANATORY STATEMENT

This measure amends the Bill of Rights in the Oregon Constitution by granting victims of crimes or acts of juvenile delinquency additional constitutional rights to be reasonably protected from the accused person. The prosecuting attorney is the person who can assert the rights granted by this measure.

This measure requires that a court consider the reasonable protection of the victim and public when deciding whether to release the accused person prior to trial. This measure would prohibit the pretrial release of persons accused of violent felonies if the court determines that:

1. It is more likely than not that the person committed the act the person is accused of committing; and
2. There is clear and convincing evidence that the person poses a danger of physical injury or sexual victimization to others if the person is released.

Under current constitutional provisions, other than for charges of aggravated murder, murder or treason, the primary consideration in pretrial release decisions is the risk of the accused person not appearing rather than the safety of the victim or the public.

Except as otherwise specifically provided, this measure supersedes any conflicting section of the Oregon Constitution.

Committee Members:

Senator Neil Bryant
Representative Kevin Mannix
Senator Kate Brown
Representative Floyd Prozanski
Representative Lane Shetterly

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. 71

ARGUMENT IN FAVOR

VOTE YES ON MEASURE 71 TO PROTECT VICTIMS AND THE PUBLIC FROM PREDATORY CRIMINALS

The Legislature referred this measure to the voters so that another part of the original Measure 40, adopted by the voters in November 1996, can be considered. The Oregon Supreme Court ruled that Measure 40 could not be enacted as a single amendment to the Oregon Constitution. The Court said each part must be voted on separately. Measure 71 generally reflects one part of original Measure 40.

This measure establishes that crime victims have the right to have decisions by the court, regarding pre-trial release of a criminal defendant, be based upon the principle of reasonable protection of the victim and the public. This measure will protect victims and the public where there is danger of physical injury or sexual victimization by the criminal defendant if the defendant is released before trial. The court must determine that there is probable cause to believe the criminal defendant committed the crime, and the court must find, by clear and convincing evidence, that there is danger of physical injury or sexual victimization if the defendant is released pre-trial.

Currently, criminal defendants are held if they are thought to be a "flight risk" (will not show for trial) except in cases of Aggravated Murder, Murder, and Treason. This measure will apply to violent criminal defendants who have been charged with crimes such as Rape, Manslaughter, Armed Robbery, Kidnap, Child Molestation, and Aggravated Assault.

Referral of this measure to the voters was sought by the three largest, longest established victims' organizations in Oregon (Parents of Murdered Children; Mothers Against Drunk Driving; Crime Victims United) and by Oregon law enforcement organizations (Association Chiefs of Police; District Attorneys Association; State Sheriffs Association; State Police; Federation of Parole and Probation Officers).

As chief petitioner on the original Measure 40, I urge you to vote yes on Measure 71.

Kevin L. Mannix
State Representative

(This information furnished by Kevin L. Mannix, Justice For All.)

(This space purchased for \$300 in accordance with ORS 251.255.)

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ARGUMENT IN FAVOR

In 1996, Oregonians overwhelmingly voted to give crime **victims** at least as many rights as **criminals**. Politicians on the Oregon Supreme Court devised a never-before-used technicality to throw out the voters' wishes.

Measures 69 through 75 are virtually the same Crime Victims Bill of Rights.

Except in cases involving Aggravated Murder and Murder criminal defendants are usually held in pre-trial custody only if they are considered a flight risk. Measure 71 amends the state constitution to give crime victims the right to have decisions by the court regarding pre-trial release to be based upon the principle of reasonable protection of the victim and the public. This will help to better protect victims and the public in cases where there is a danger involving physical injury or sexual victimization.

The inadequacy of the current law is illustrated by the case of Sarah Beth Zimmerman. On September 26, 1998, Ms. Zimmerman was attacked by a man she had been dating. A grand jury indicted the man for two counts of Attempted Murder, two counts of First-Degree Kidnapping, along with other counts of First-Degree Kidnapping and Second-Degree Assault. Ms. Zimmerman's attacker was released from jail, after posting bail. On December 8, 1998, the man attacked Sarah Zimmerman for a second time. On this occasion, the man shot both Ms. Zimmerman and her mother. Sarah Zimmerman lost an eye and a finger. Her mother suffered severe internal injuries. Police were forced to shoot the suspect when he threatened an officer attempting to arrest him. He remains in police custody.

Following Ms. Zimmerman's first attack, the violent nature of her attacker was obvious. Given the opportunity to post bail, he was free to viciously attack again.

PLEASE VOTE YES ON MEASURES 69 THROUGH 75!

SHOULDN'T THE CRIME VICTIM HAVE AT LEAST AS MANY RIGHTS AS THE CRIMINAL?

(This information furnished by Steve Doell, Crime Victims United.)

(This space purchased for \$300 in accordance with ORS 251.255.)

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Measure No. 71

ARGUMENT IN FAVOR

If Ballot Measure 71 were already law, my younger brother would probably be alive today.

On March 17, 1997, a man named Lee Knoch, who was out on bail, murdered my younger brother, Robert Holliday. At the time of the murder, Knoch was charged with torturing my brother through beating and burnings over a two-week period. After my brother escaped from the beatings, Knoch convinced my brother that a gang had a contract "hit" out on him, and extorted \$20,000 from my grandmother. My younger brother was gullible and passive, and did not know how to fight back and protect himself. When he escaped from Knoch, most of his ribs were broken, had internal bleeding and multiple burns.

While out on bail, Knoch violated the conditions of his bail, with full knowledge of the bail department. Yet the department chose not to inform the court. On March 19, 1997, Knoch was scheduled to go to trial. Two days before that, he and his girlfriend, Julie Walker, kidnapped my younger brother, drugged him, transported him to the mountains, murdered him, and then buried him. Knoch knew that without my brother, there was no case against him.

This Ballot Measure cannot bring my brother back, but it can keep others alive and safe. By denying bail to certain violent offenders, we can prevent criminals from reattacking and silencing the victim. Currently, except in murder cases, the judge can only take into account whether or not the offender has a risk of flight-not the safety of the victim. This Ballot Measure would change that and help protect victims.

I ASK YOU TO PLEASE VOTE YES ON MEASURES 69 THROUGH 75!

(This information furnished by Bradley Holliday, Crime Victims United.)

(This space purchased for \$300 in accordance with ORS 251.255.)

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ARGUMENT IN FAVOR

How would you feel if your child, spouse, sibling or parent were **assaulted, raped or murdered?**

Now, how would you feel if you learned that the person who committed this crime was **previously arrested for a serious crime**, held in jail, and **released by our criminal justice system?**

Some of your fellow citizens know this feeling.

The family of Donna Louise Smith knows this feeling. She was **murdered** by a person with a lengthy criminal record who was **released on bail** awaiting trial for **kidnapping, sodomy and rape!** (*The Oregonian*, 10/26/96)

The family of Robert Holliday knows this feeling. He was **kidnapped, tortured, and buried alive** by a man who was **released on bail** awaiting trial for previously **kidnapping and torturing** him! (*The Oregonian* 3/27/98)

The family of a 13 year-old Oregon girl knows this feeling. She was **kidnapped, raped and sodomized** by a person with **49 arrests** and at least **15 convictions** who was **released on bail** awaiting trial on burglary! (*The Oregonian*, 4/3/98)

Sarah Zimmerman knows this feeling. Her finger was shot off and her eye was shot out by a man who was **released on bail** awaiting trial for **attempted murder** in a previous attack on her! (*The Oregonian*, 12/9/98)

These cases and many others like them constitute a disgraceful lapse of our justice system.

Under our current law, except in the case of murder, the safety of victims and other innocent people is not a primary consideration when setting bail. The primary consideration is whether the defendant is likely to appear for trial if released on bail.

Please, to protect innocent people, change this law. Vote yes on Measure 71. And vote yes on the other victims' rights measures, 69, 70, 72, 73, 74, and 75.

Howard Rodstein
Crime Victims United

(This information furnished by Howard Rodstein, Crime Victims United.)

(This space purchased for \$300 in accordance with ORS 251.255.)

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Measure No. 71

ARGUMENT IN OPPOSITION

I am a survivor of domestic violence who was forced to defend myself against the person who was beating me.

With that experience under my belt, I am scared to death for other battered women if voters pass Measures 69, 70, 71, 72, 73, 74 and 75.

One of the things that **Measure 69 says is that a defendant can NEVER be a victim**, even in cases of self-defense or domestic violence. That means battered women who defend themselves will never be afforded any of the rights that this measure claims to provide.

Measure 70 gives prosecutors the unprecedented right to demand a jury trial, and **this right is granted ONLY to the prosecutor, not to the real crime victim**. This means that even in cases of rape and incest – where the victim may not want to testify before a jury or may want to avoid a trial altogether – crime victims are at the mercy of the prosecutor. How is that a right for crime victims?

It sounds to me like the police and prosecutors are using crime victims in a cynical campaign to grant themselves more power.

Measure 71, for instance, undermines the presumption of innocence and assumes every person arrested is guilty.

Measure 72 makes it more likely innocent people will be convicted.

Measure 73 would let prosecutors force people into testifying against themselves, something our Bill of Rights has never allowed.

Measure 74 ties the hands of judges, voters and the Legislature...but not prosecutors.

Measure 75 is just an expensive boondoggle that gets rid of jurors who may have had a minor scrape with the law – such as traffic court.

Crime victims aren't the ones being served here. It's the government.

Please Vote No on Measures 69-75.

Thank you.

Jill Williams

(This information furnished by Jill Williams.)

(This space purchased for \$300 in accordance with ORS 251.255.)

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ARGUMENT IN OPPOSITION

As Oregonians who have worked for and with victims of crime, we urge you to vote NO on Measures 69, 70, 71, 72, 73, 74 and 75.

This series of measures would gut the Oregon Bill of Rights, repealing entire sections of the constitutional protections guaranteed to every Oregon citizen.

MEASURES 69 THROUGH 75 COULD COST TAXPAYERS MILLIONS OF DOLLARS.

At a recent fiscal impact hearing on these measures, a state financial analyst testified that while there would be costs to these measures, those costs are indeterminate. But instead of acknowledging the cost to taxpayers, the state has issued fiscal impact statements that say there is "No Fiscal Impact" to these measures. That's just plain wrong.

We believe these measures will cost Oregon taxpayers millions of dollars... dollars that could be better spent on putting more police on the streets or instituting effective programs to re-train and rehabilitate criminals. We believe these dollars would be much better spent on ensuring restitution for victims of crime.

Measures 69-75 certainly don't protect victims, but they do take constitutional protections away from you and me and our families.

Every Oregon citizen receives protections from government intrusion and wrongful arrest granted under the Oregon Bill of Rights. These measures would remove those protections.

Instead of truly helping victims of crimes, these measures place tremendous power in the hands of government prosecutors. These measures would even allow the state prosecutor to assume the role of victim or to choose the victim that prosecutor believes will best help his case.

We Support True Victims' Rights Legislation. Measures 69 through 75 are not about the rights of victims. They are merely attempts to give prosecutors and the state more power over our citizens.

PLEASE JOIN US IN VOTING NO ON MEASURES 69 THROUGH 75.

**THE RISKS ARE TOO HIGH.
THE COSTS ARE TOO GREAT.**

Former Governor Barbara Roberts
Multnomah County Chair Beverly Stein
Oregon Sen. Avel Gordly
Oregon Rep. Jo Ann Bowman

(This information furnished by State Rep. Jo Ann Bowman.)

(This space purchased for \$300 in accordance with ORS 251.255.)

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Measure No. 71

ARGUMENT IN OPPOSITION

To Protect Your Rights, Vote No on Measure 71

If you are accused of a crime (other than murder or treason), the Oregon Bill of Rights guarantees you the right to bail. That right has been Oregon law for 140 years.

This proposed measure would abandon that basic right. It would allow preventive detention even if you are innocent.

An accusation does not prove guilt. Guilt must be proved beyond a reasonable doubt in a trial by jury. This measure would allow a judge to jail you for months while you wait for trial. Public anger at some crimes will demand that judges lock up a person accused of the crime, even if the charges are later dropped or the accused is acquitted.

For 140 years, Oregon has successfully prosecuted and convicted offenders under its existing Bill of Rights. Nothing new requires sacrificing the constitutional right to bail. Vote against Measure 71.

Hans Linde
Former Oregon Supreme Court Justice

Betty Roberts
Former Oregon Supreme Court Justice

Jacob Tanzer
Former Oregon Supreme Court Justice

Claudia Burton
Professor of Law

(This information furnished by Andrea R. Meyer, Crime Victims for Justice.)

(This space purchased for \$300 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. 72

House Joint Resolution 92—Referred to the Electorate of Oregon by the 1999 Legislature to be voted on at the Special Election, November 2, 1999.

BALLOT TITLE

72 AMENDS CONSTITUTION; ALLOWS MURDER CONVICTION BY 11 TO 1 JURY VERDICT.

RESULT OF "YES" VOTE: "Yes" vote allows person to be convicted by nonunanimous (11 to 1) jury verdict.

RESULT OF "NO" VOTE: "No" vote retains current requirement of unanimous (12 to 0) jury verdict for murder conviction.

SUMMARY: Amends Constitution. Oregon Constitution currently permits conviction for murder only on unanimous verdict of 12-person jury. Measure would permit conviction for murder if 11 members of 12-person jury vote to convict. Measure retains Oregon constitutional provision allowing acquittal on 10 to 2 vote. Unanimous verdict would still be required to convict a person of aggravated murder, when the death sentence is possible. Applies to proceedings pending or commenced on or after measure's effective date, except when jury previously has been impaneled and sworn.

ESTIMATE OF FINANCIAL IMPACT: 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 to be added to and made a part of Article I, such section to read:

(1) Notwithstanding section 11 of this Article, 11 members of a 12-person jury may render a verdict of guilty for murder but all 12 jurors must render a verdict of guilty for aggravated murder.

(2) This section applies to all criminal proceedings pending or commenced on or after the effective date of this section, except a criminal proceeding in which a jury has been impaneled and sworn on the effective date of this section. Nothing in this section reduces a criminal defendant's rights under the Constitution of the United States. Except as otherwise specifically provided, this section supersedes any conflicting section of this Constitution.

PARAGRAPH 2. The amendment proposed by this resolution shall be submitted to the people for their approval or rejection at a special election held throughout this state on the date specified in section 2, chapter _____, Oregon Laws 1999 (Enrolled House Bill 2354).

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

EXPLANATORY STATEMENT

This measure amends the Bill of Rights in the Oregon Constitution to provide that a person can be convicted of murder if 11 members of a 12-person jury vote to convict. Currently, the Oregon Constitution requires that all 12 members of a 12-person jury vote to convict in order to convict a person of murder. The change made by this measure would not apply to those murder cases for which the death penalty or life imprisonment without the possibility of release is a possible sentence. Those types of murder, called aggravated murder, would still require a unanimous verdict of a 12-person jury. This measure does not change the current constitutional provision for other crimes, which allows a 10 to 2 verdict for conviction or acquittal.

Except as otherwise specifically provided, this measure supersedes any conflicting section of the Oregon Constitution.

Committee Members:

Senator Neil Bryant
 Representative Kevin Mannix
 Senator Kate Brown
 Representative Floyd Prozanski
 Representative Lane Shetterly

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. 72

ARGUMENT IN FAVOR

VOTE YES ON MEASURE 72 TO BRING BALANCE TO THE JURY PROCESS IN MURDER CASES

This measure reflects part of what was originally passed by the voters as Measure 40 in November 1996. The Oregon Supreme Court ruled that Measure 40 contained several amendments to the Oregon Constitution, and that they needed to be voted on separately. So, the Legislature has split the original Ballot Measure 40 into sections and has referred those sections to the voters as separate measures. This is one of those measures.

The Oregon Constitution already provides that a jury can acquit or convict a person for any crime, except Murder or Aggravated Murder, by a ten to two vote. This system has worked well.

The current constitutional provision requires a unanimous jury verdict of guilty both for Aggravated Murder (where the death penalty or life imprisonment may be applied), as well as for Murder. This measure would not change the unanimous jury verdict requirement for a guilty verdict in Aggravated Murder cases. It will not change the current provision that allows a jury to acquit a defendant in Aggravated Murder and Murder cases by a ten to two vote. What this measure will change is the unanimous verdict requirement for a verdict of guilty in ordinary Murder cases. This measure will allow an eleven to one jury verdict of guilt in Murder cases.

Referral of this measure to the voters was sought by the three largest, longest established victims' organizations in Oregon (Parents of Murdered Children; Mothers Against Drunk Driving; Crime Victims United) and by Oregon law enforcement organizations (Association Chiefs of Police; District Attorneys Association; State Sheriffs Association; State Police; Federation of Parole and Probation Officers).

The voters enacted this measure as part of Measure 40. We now have a chance to enact it again. Please vote yes.

Kevin L. Mannix
State Representative

(This information furnished by Kevin L. Mannix, Justice For All.)

ARGUMENT IN FAVOR

My personal experience is illustrative of how a single rogue juror can subvert justice.

On October 21, 1992, my life was shattered forever. On that afternoon, a car drove onto the shoulder of a Lake Oswego street and struck my 12-year old daughter, Lisa, as she was walking to her grandparents' house after school. The force of the impact hurled Lisa's little body into a nearby tree. Rather than stop and call for help, the driver fled the scene. Lisa, my darling child, was already dead when a passing motorist discovered her mangled body. The only clue as to the identity of Lisa's killer was a license plate found nearby.

The police quickly traced the license plate to Andrew Whitaker. When confronted with the physical evidence, Whitaker admitted that Lisa's death was not an accident. **Whitaker confessed he killed Lisa "on purpose."**

What initially appeared to be an open and shut case, turned into anything but that. After a year of legal wrangling, Andrew Whitaker was finally brought to trial. During the trial, the jury heard Whitaker's confession as well as evidence that Lisa was on the shoulder of the street when struck by Whitaker's car. The jury also learned that prior to Lisa's murder, Whitaker shared with friends his fantasy of killing someone. To everyone's amazement, however, the jury did not convict Whitaker of murder! Luckily for Whitaker, one of the jurors refused to vote for murder because her son had been involved in a traffic accident involving a child. To their disgust, the other jurors were forced to settle for a lesser crime of second-degree manslaughter in order to avoid the case ending in a hung jury. **As a result, Whitaker served only 28 months in prison!**

I ASK YOU TO PLEASE VOTE YES ON MEASURES 69 THROUGH 75!

SHOULDN'T THE CRIME VICTIM HAVE AT LEAST AS MANY RIGHTS AS THE CRIMINAL?

(This information furnished by Steve Doell, Crime Victims United.)

(This space purchased for \$300 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.

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Measure No. 72

ARGUMENT IN FAVOR

Oregon is proud of being an innovative leader in America. For more than twenty years it has taken 10 out of 12 jurors to convict or acquit a defendant in a felony case (all 6 jurors must agree in less serious misdemeanors). Under current law all 12 jurors must unanimously agree to convict a defendant of murder. But in too many murder cases jurors have complained that a single "rogue" juror has prevented them from rendering a just verdict. The overwhelming majority of jurors take their oath very seriously, but occasionally someone with a hidden agenda will get themselves onto a jury deciding a murder charge.

Measure 72 would allow 11 to 1 verdicts to convict in murder trials. It would still **require** unanimous 12-person verdicts for any **aggravated** (capital) murder case – in which either the death penalty or life in prison without possibility of parole is the penalty.

Measure 72 would retain Oregon's unusual rule that allows a NOT GUILTY verdict with just a 10 to 2 vote. This change in the law recognizes that in too many murder cases juries have returned compromise verdicts of much lesser charges because a single juror refuses to follow the judge's instructions. The United States Supreme Court has ruled more than once that there is NO constitutional requirement of unanimous juries.

One juror in Eugene recently wrote a letter in which expressed great frustration and remarked that "it is only natural to wonder about the weird susceptibility of a system that requires unanimity among a group of jurors. One couldn't help noting that the time and expense of the judge, prosecutor, defense attorney, and witnesses were all for naught when the 'each must follow the instructions of the court' rule was not followed. Perhaps there is some room for improvement..."

A yes vote on Measure 72 would bring non-capital murder cases into line with the spirit of Oregon's existing jury system.

(This information furnished by Joshua Marquis.)

(This space purchased for \$300 in accordance with ORS 251.255.)

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ARGUMENT IN FAVOR

Since 1934 the Oregon Constitution has allowed juries to convict and to acquit people of the most serious crimes, other than murder, on a less than unanimous verdict. We as Oregonians have long understood that a **fair verdict could be rendered by less than a unanimous vote.**

One of the primary reasons our law requires a unanimous verdict on murder cases today is because in 1934 murder in the first degree carried the possibility of a death sentence. That is not true today. Today murder conviction will result in a 25-year minimum sentence. It is only upon a conviction of **aggravated murder** that a person could be eligible for the death penalty. Measure 72 would not change that law. For death penalty cases a unanimous verdict would still be required.

When juries convict people of the most serious crimes, other than murder, there are no requirements of unanimity. For the conduct in some of those cases it is not unusual that a court imposes what amounts to a true-life sentence. For instance, the case of brutal sex offenders. We see instances where these people are given a sentence of more than 100 years. The law did not require a unanimous verdict, but that person may well serve the rest of their life in jail.

It is particularly unfair to require a unanimous vote for conviction of murder **when a defendant can be found not guilty by a 10-2 vote.** This is the current law in Oregon.

Since 1934 Oregonians have understood that one juror, who because of prejudices or pre-conceived ideas, would never convict or acquit anyone regardless of the law or the evidence, should not stand in the way of justice. This reasoning is still true today. Let us make our laws consistent and fair.

Please Vote YES on Measure 72.

Please Vote YES on Measure 69, 70, 71, 72, 73, 74, 75.

(This information furnished by Deborah Bergh, Crime Victims United.)

(This space purchased for \$300 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. 72

ARGUMENT IN OPPOSITION

Unanimous conviction by a jury is one of the cornerstones of the judicial system of the United States. Measure 72 does not give new rights to victims. Rather, measure 72 will cause Oregonians to give up their right to be convicted by unanimous juries. There is no justification for Oregonians to forfeit this right.

Measure 72 is especially dangerous to the minority communities in Oregon, where innocent defendants would otherwise be saved from conviction by a twelfth juror.

Vote no against Measure 72, and leave the jury system alone.

(This information furnished by Lawrence D. Taylor, Chair, Multnomah County Democratic Central Committee.)

(This space purchased for \$300 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

Former Oregon Supreme Court Justice Betty Roberts Urges You To Protect the Oregon Bill of Rights.

Vote No on Measures 69, 70, 71, 72, 73, 74 and 75.

As a former Supreme Court Justice, I have worked to protect Oregon's Bill of Rights. Oregonians should never take lightly any attempt to weaken our Bill of Rights. Measures 69-75 would repeal entire sections of the Oregon Bill of Rights, discarding more than 140 years of protections enjoyed by all Oregonians. I urge you to vote no on Measures 69-75.

Oregonians Value Our Constitutional Rights

From the time our state was a distant frontier, our Bill of Rights and our elected judges have protected the rights of every Oregonian.

Now, under the guise of victims' rights, a faction of our state government wants to strip those rights from Oregonians. The effect of these sweeping changes to the Oregon Bill of Rights would be to deny these rights to every person accused of a crime, whether they are guilty or not.

Measures 69-75 are Expensive and May Cause the Early Release of Criminals

Between eliminating bail and restricting options like work release and home detention, these measures will cause our already overcrowded jails to swell. People merely accused of crimes will be locked up while convicted criminals walk.

This will cost us millions for prisons that should instead be going to schools or hiring police.

* **Do we as Oregon voters want to take away our own rights?**

* **Do we as Oregon voters want to strip power from judges and place it in the hands of government prosecutors?**

* **Do we as Oregon voters want to repeal the very sections of the Oregon Bill of Rights that have protected our citizens against undue government intrusion?**

Measures 69-75 will cost Oregonians the independence we have cherished for decades.

Please Join me in voting No on Measures 69-75.

Betty Roberts.
Former Oregon Supreme Court Justice

(This information furnished by Betty Roberts.)

(This space purchased for \$300 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. 72

ARGUMENT IN OPPOSITION

"Innocent until proven guilty." This simple phrase reminds us of the fear and knowledge that the government will at times convict innocent persons, and motivates us to ensure that Justice is done in our courts.

As an attorney I can attest to the fact that wrongful convictions can and do occur throughout the United States, and even here in Oregon.

I recently represented two men who despite their claims of innocence were convicted in Oregon of Aggravated Murder, and sentenced to life in prison. After spending eight years behind bars, new evidence was discovered which led the police to learn another individual had pulled the trigger and committed the murder for which my clients were convicted. Secretly made tape recordings captured the new suspect confessing to the murder. My clients were soon released from prison, and all charges against them were dropped!

Recently in Chicago, over two dozen men who had been sentenced in various states to die, but who later proved their innocence, came together to share their tragic stories of mistaken identities, falsified evidence, and inaccurate lab work. Their purpose was to alert Americans that even though guilty people should be convicted, we must continue to protect against the horror of innocent people being imprisoned.

In the former Soviet Union, prisons were filled with people who were actually innocent of crimes. In the United States such horrible mistakes occur infrequently because we have procedures and requirements of law that greatly minimize the risk of wrongful conviction. Unfortunately, Ballot Measure 72 would significantly weaken those procedures and requirements, and would allow mistakes to happen more often, would allow more innocent people to be convicted.

On behalf of those who are wrongly accused, and on behalf of those who will in the future be wrongly accused, I urge you to vote NO on Measure 72.

Elden Rosenthal

(This information furnished by Elden Rosenthal.)

(This space purchased for \$300 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. 73

House Joint Resolution 93—Referred to the Electorate of Oregon by the 1999 Legislature to be voted on at the Special Election, November 2, 1999.

BALLOT TITLE

73 AMENDS CONSTITUTION: LIMITS IMMUNITY FROM CRIMINAL PROSECUTION OF PERSON ORDERED TO TESTIFY ABOUT HIS OR HER CONDUCT.

RESULT OF "YES" VOTE: "Yes" vote limits immunity from criminal prosecution of person ordered to testify about his or her conduct.

RESULT OF "NO" VOTE: "No" vote retains immunity from criminal prosecution of person ordered to testify about his or her conduct.

SUMMARY: Amends Constitution. Currently, a person may be ordered to give testimony about a crime the person is suspected of committing only if given complete immunity from prosecution for that crime. Measure would eliminate complete immunity and allow person to be ordered to testify about crime the person is suspected of committing, provided that in any criminal trial against the person that testimony and information derived from that testimony would be excluded from evidence and could not be used against the person. A person who disobeyed an order to testify could be prosecuted for contempt. Measure applies to criminal prosecutions and juvenile court delinquency proceedings.

ESTIMATE OF FINANCIAL IMPACT: 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 to be added to and made a part of Article I, such section to read:

(1) A person may be compelled to testify concerning a criminal offense the person may have committed provided that in any prosecution of the person for that offense neither that testimony nor any evidence derived from that testimony may be admitted against the person.

(2) This section applies to all criminal and juvenile court delinquency proceedings pending or commenced on or after the effective date of this section. Nothing in this section reduces a criminal defendant's rights under the Constitution of the United States. Except as otherwise specifically provided, this section supersedes any conflicting section of this Constitution.

(3) As used in this section, "criminal defendant" includes an alleged youth offender in juvenile court delinquency proceedings.

PARAGRAPH 2. The amendment proposed by this resolution shall be submitted to the people for their approval or rejection at a special election held throughout this state on the date specified in section 2, chapter _____, Oregon Laws 1999 (Enrolled House Bill 2354).

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

EXPLANATORY STATEMENT

This measure amends the Bill of Rights in the Oregon Constitution to change the effect of compelling a person to testify about a crime that the person is suspected of having committed.

Currently, a person may be ordered to give testimony about a crime the person is suspected of committing only if the person is given complete immunity from prosecution for that crime. Under the grant of complete immunity, the person cannot be prosecuted for the crime even if the state obtains evidence from a source independent of the person's testimony. Unless the state grants the person complete immunity, the person can refuse to testify.

This measure would eliminate the complete immunity. Under this measure, a person could be made to testify about a crime the person is suspected of committing and could be prosecuted for the crime. However, the state would be prohibited from using the person's testimony or any information derived from that testimony against the person in the prosecution.

Except as otherwise specifically provided, this measure supersedes any conflicting section of the Oregon Constitution.

Committee Members:

Senator Neil Bryant
 Representative Kevin Mannix
 Senator Kate Brown
 Representative Floyd Prozanski
 Representative Lane Shetterly

Appointed By:

President of the Senate
 Speaker of the House
 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. 73

ARGUMENT IN FAVOR

VOTE YES ON MEASURE 73

TO HOLD CRIMINALS ACCOUNTABLE FOR THEIR ACTIONS

This measure reflects part of what was originally passed by the voters as Measure 40 in November 1996. The Oregon Supreme Court has ruled that Measure 40 could not be enacted as a single amendment to the Oregon Constitution, and that each portion should have been voted on separately. The Legislature has split the original Ballot Measure 40 into separate amendments to the Constitution and has referred them to the voters. Measure 73 is one of those referrals.

When a person is ordered to testify about a crime, the person is given protection from the use of this testimony against the person. However, there is a difference between guaranteeing that the person will not be prosecuted at all for the crime, no matter where the evidence comes from, and guaranteeing that the person's own testimony will not be used against him.

This measure maintains the guarantee that a person who is ordered to testify will not have that testimony used against him. However, it allows the use of evidence which is gathered separately, without any connection with the person's own testimony. This common sense modification parallels the system used at the federal level and in many other states.

Referral of this measure to the voters was sought by the three largest, longest established victims' organizations in Oregon (Parents of Murdered Children; Mothers Against Drunk Driving; Crime Victims United) and by Oregon law enforcement organizations (Association Chiefs of Police; District Attorneys Association; State Sheriffs Association; State Police; Federation of Parole and Probation Officers).

As chief petitioner of the original Measure 40, and as originator of this referral in the Legislature, I urge your yes vote on Measure 73.

Kevin L. Mannix
State Representative

(This information furnished by Kevin L. Mannix, Justice For All.)

(This space purchased for \$300 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

In 1996, Oregonians overwhelmingly voted to give crime victims at least as many rights as criminals. But the politicians on the Oregon Supreme Court came up with a never-before used technicality to throw out the voters' wishes.

Measures 69 through 75 are virtually the same Crime Victims Bill of Rights.

In the fight against organized crime and large sophisticated criminal enterprises, one of the greatest tools the federal government has is the ability to grant "limited immunity" to underlings and witnesses within the organization. Many states in this country have similar laws.

In Oregon, up until 1984, it was believed that the prosecution had this ability. But that idea evaporated as a result of the Oregon Supreme Court's expansion of criminal rights that began in 1982.

How real is this problem? **It is real and it is big!** If Oregon prosecutors have to give immunity it must be "absolute immunity," i.e. **the person can never be prosecuted.**

Is it possible to penetrate large-scale criminal organizations with "absolute immunity?" **No.** If no one talks, the prosecutor is in the dark. If the prosecutor gives the wrong person immunity, the results can be catastrophic.

Take the case of the person who was the so-called "murder witness," who said he would only testify if he was given "absolute immunity." His attorney only wanted to protect his client's rights. The "witness" was given immunity. Unfortunately, he was the **murderer** and as a result of the Oregon law, he could never be prosecuted. That would not have happened if **Measure 73** had been enacted.

LET'S GIVE THE GOOD GUYS THE TOOLS TO FIGHT BACK!

PLEASE VOTE YES ON MEASURES 69 THROUGH 75!

SHOULDN'T THE CRIME VICTIM HAVE AT LEAST AS MANY RIGHTS AS THE CRIMINAL?

(This information furnished by Steve Doell, Crime Victims United.)

(This space purchased for \$300 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. 73

ARGUMENT IN FAVOR

Oregon is one of only a handful of states with what is called "transactional" immunity. Most other states have a "use" immunity system, most notable in the prosecutions in the Watergate and Iran-Contra prosecutions by federal prosecutors.

The difference is simple, but drastic.

The Fifth Amendment provides everyone in America, whether a citizen or not, with the absolute right not to give testimony against him/herself. Police and prosecutors sometimes may try to solve a perplexing crime by offering a person who may have knowledge of the crime "immunity" if that person will tell what he/she knows. Of course police and prosecutors don't want to give such immunity to the main evil-doer, who could then fully confess and avoid any responsibility.

"Transactional" immunity is an all-or-nothing proposition. Under Oregon's current scheme, a person given immunity to testify can never be prosecuted for any crime related to his/her testimony, no matter what he/she has said or admitted. One typical situation is a rape case in which two men in a group of six are suspected of the sexual assault. None of the men are willing to speak and it is unclear who actually raped the victim and who may have actively helped. Under Oregon's "transactional" immunity, anyone made to testify can never be charged with anything relating to the rape, even if **other** evidence or eyewitnesses later become available.

Under Measure 73, **nothing** the person given immunity has said could ever be used again him/her, but he/she could still be prosecuted if other evidence unrelated to their testimony became available.

Measure 73 would protect Fifth Amendment rights but prevent criminals from using immunity as a shield from rightful prosecution.

Vote YES on Measure 73 to unlock the handcuffs on our law enforcement officers!

(This information furnished by Joshua Marquis.)

(This space purchased for \$300 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 73 attacks your constitutional rights. Measure 73 could force you to testify against yourself without complete immunity. That's unfair, unconstitutional, and unprecedented in Oregon.

The right against self-incrimination

Measure 73 would erode and reduce the rights that citizens have had under English and American law for over 600 years. **The Oregon Constitution has a perfectly workable provision adopted in 1859** (Article I, Section 12) which states "No person shall be [...] compelled in any criminal prosecution to testify against himself." The United States Constitution contains a similar provision in the Fifth Amendment adopted over 200 years ago.

This simple rule means the government cannot compel a person to say that he is guilty. The privilege against self-incrimination has ensured that confessions must be free of coercion -- whether by the medieval rack, the eighteenth-century lash, the modern rubber hose or jailing for judicial contempt.

Use of compelled testimony in trials of other defendants

Often the police investigate crimes committed by more than one person. The police may ask one suspect to testify about his involvement with other suspects. If this first suspect asserts his right against self-incrimination, the government may still require the witness to testify or be jailed for contempt of court. Of course, the witness must receive immunity to protect his right against self-incrimination. Under current law in Oregon, the government cannot prosecute the witness for the crime that he is required to discuss in his testimony. As early as 1892, the U.S. Supreme Court ruled that a witness who gives compelled testimony should receive "absolute immunity against future prosecution for the offense" that is the subject of the testimony. Oregon courts have made similar rulings under the Oregon Constitution.

"Immunity" under Measure 73

Measure 73 would greatly limit the protection for the witness who is compelled to testify. Under Measure 73, the government COULD prosecute the witness for the crime that he is required to discuss, so long as the government does not use the compelled testimony, itself, in investigating or prosecuting the witness.

Why Measure 73 is a bad idea in the real world

The American Bar Association has opposed proposals such as Measure 73 because the sort of immunity it offers is often an illusion. You should oppose it too.

Measure 73 immunity is supposed to prevent officers from relying on compelled testimony, but the police could use the information to find other witnesses, and then could claim that the other witnesses were an "independent source" of the information. The police could not forget the testimony, and it would naturally affect how they collected and considered evidence from other sources in the investigation of the witness.

Measure 73 is like handing the witness, compelled to testify by the state, a shovel and ordering him to dig his own grave. Your rights as a citizen are under attack in Measure 73.

Vote "NO" on Measure 73.

(This information furnished by Phil Barnhart, Democratic Party of Lane County.)

(This space purchased for \$300 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. 73

ARGUMENT IN OPPOSITION

Oregon's Bill of Rights Has Protected Our Citizens for over 140 years.

Please protect Oregon's Bill of Rights by Voting No on Measures 69 through 75

Measures 69, 70, 71, 72, 73, 74 and 75 Would Dangerously Weaken Our Bill of Rights

As a former US Attorney and a former Dean of Lewis and Clark Law School, we have studied the law and the rights of individuals for many years. Measures 69-75 would dramatically weaken our Bill of Rights.

We support victims' rights and have championed laws to increase restitution, provide firm trial dates and provide dignified treatment of victims. Sadly none of these provisions are included in these measures. Instead, Oregonians are being sold a bill of goods under a misleading label.

We have a proud history of effective prosecution and strong protection in our state Bill of Rights for all Oregonians. Don't undermine that tradition.

Measures 69-75 Would Give Government Prosecutors Too Much Power.

Remember Prosecutor Kenneth Starr? Remember how Starr abused his power to compel people to testify? Remember how Starr trampled on people's rights to get the information he wanted with little regard for the rights of those citizens?

Measures 69-75 would open the doors to those same types of abuses in Oregon. They allow prosecutors to assume the role of victim; to choose the victim that best serves their own agenda; and broaden the power of prosecutors to compel people to testify against themselves.

Measures 69-75 Take Power Away from Judges

Our judicial system is grounded in the simple premise that an impartial judge rules in a courtroom. Defendants and prosecutors get a fair chance to present their case. These measures shift the balance of power from judges to government prosecutors. That's a dangerous precedent for Oregon's future.

Don't Weaken Oregon's Cherished Bill of Rights.

Please Join Us in Voting No on Measures 69-75

Sid Lezak, US Attorney for Oregon (ret. 1961-1982)

Stephen Kanter, Former Dean, Lewis & Clark Law School

(This information furnished by Stephen Kanter and Sid Lezak.)

(This space purchased for \$300 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

Save the Oregon Bill of Rights. Vote No on Measures 69-75.

My name is Enver Bozgoz. I came to America from Russia as a young man. Today I live in Klamath Falls.

This series of measures to amend the Oregon Bill of Rights reminds me of my childhood days in Stalin's Russia.

KGB agents would come to an innocent person's home, always after midnight in a black van. They would arrest the heads of household for a "crime." The accused would waste away in Siberia, waiting for a trial with no right of release. And because the government controlled the courts... because judges were mere figureheads required to do the bidding of the state prosecutors... because the police were always rights... innocent people spent years in jail.

The Oregon Bill of Rights has served us well for over 140 years.

Today, Oregon's law strikes the delicate balance between the rights of victims and rights of the accused. We agree that convicted criminals should do their time... and that the rights of victims should be considered in courtroom proceedings. But that's not what these measures are about.

These measures strip power away from judges and tip the scales of justice to the state and their prosecutors. These measures repeal significant protections provided to all citizens by the Oregon Bill of Rights.

Oregonians don't want a police state.

They don't want a criminal justice system that erodes the presumption of innocence.

And they don't want to gut the Oregon Bill of Rights. Please join me in voting NO on Measures 69-75.

Thank you.

Enver Bozgoz
Klamath Falls

(This information furnished by Geoff Sugerman, Crime Victims for Justice.)

(This space purchased for \$300 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. 74

House Joint Resolution 94—Referred to the Electorate of Oregon by the 1999 Legislature to be voted on at the Special Election, November 2, 1999.

BALLOT TITLE

74 AMENDS CONSTITUTION: REQUIRES TERMS OF IMPRISONMENT ANNOUNCED IN COURT BE FULLY SERVED, WITH EXCEPTIONS.

RESULT OF "YES" VOTE: "Yes" vote requires terms of imprisonment announced in court be fully served, with exceptions, guarantees consecutive sentencing authority.

RESULT OF "NO" VOTE: "No" vote retains legislature's power to adopt laws setting aside or modifying terms of imprisonment announced in court and to limit consecutive sentencing authority.

SUMMARY: Amends Constitution. Measure requires terms of imprisonment imposed by judge in open court to be fully served. Effect is to eliminate reductions for good conduct or other reasons unless authorized by sentencing court and permitted by law. Provides exceptions for: reprieves, commutations or pardons by Governor; relief from appellate or post-conviction court. Measure would bar statutory change reducing imprisonment already imposed. Measure also bars laws limiting consecutive sentences for crimes against certain victims. Defines "victim" to include people of Oregon, represented by prosecuting attorney, when no person has been determined to be victim. Person accused of crime cannot be considered victim. Applies to offenses committed on or after measure's effective date.

ESTIMATE OF FINANCIAL IMPACT: 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 to be added to and made a part of Article I, such section to read:

(1)(a) A term of imprisonment imposed by a judge in open court may not be set aside or otherwise not carried out, except as authorized by the sentencing court or through the subsequent exercise of:

(A) The power of the Governor to grant reprieves, commutations and pardons; or

(B) Judicial authority to grant appellate or post-conviction relief.

(b) No law shall limit a court's authority to sentence a criminal defendant consecutively for crimes against different victims.

(2) This section applies to all offenses committed on or after the effective date of this section. Nothing in this section reduces a criminal defendant's rights under the Constitution of the United States. Except as otherwise specifically provided, this section supersedes any conflicting section of this Constitution. Nothing in this section creates any cause of action for compensation or damages nor may this section be used to invalidate an accusatory instrument, ruling of a court, conviction or adjudication or otherwise suspend or terminate any criminal or juvenile delinquency proceedings at any point after the case is commenced or on appeal.

(3) As used in this section, "victim" means any person determined by the prosecuting attorney to have suffered

direct financial, psychological or physical harm as a result of a crime and, in the case of a victim who is a minor, the legal guardian of the minor. In the event no person has been determined to be a victim of the crime, the people of Oregon, represented by the prosecuting attorney, are considered to be the victims. In no event is it intended that the criminal defendant be considered the victim.

PARAGRAPH 2. The amendment proposed by this resolution shall be submitted to the people for their approval or rejection at a special election held throughout this state on the date specified in section 2, chapter _____, Oregon Laws 1999 (Enrolled House Bill 2354).

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

EXPLANATORY STATEMENT

This measure amends the Bill of Rights in the Oregon Constitution by imposing a requirement that terms of imprisonment imposed by a judge in open court be fully served. The effect of this measure is to eliminate reductions in prison terms based on good conduct or other reasons unless:

1. The judge has specifically authorized the reduction;
2. The Governor grants a reprieve, commutation or pardon; or
3. A court has granted relief in an appeal of the case or in a post-conviction proceeding.

This measure also prohibits laws that would limit a court's authority to sentence a person consecutively for crimes committed against different victims.

This measure bars any statutory change by the Legislature which reduces the term of a sentence already imposed by a judge.

Except as otherwise specifically provided, this measure supersedes any conflicting section of the Oregon Constitution.

Committee Members:

Senator Neil Bryant
 Representative Kevin Mannix
 Senator Kate Brown
 Representative Floyd Prozanski
 Representative Lane Shetterly

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. 74

ARGUMENT IN FAVOR

MEASURE 74 MEANS THAT SENTENCES IMPOSED BY JUDGES WILL ACTUALLY BE CARRIED OUT

Measure 74 reflects part of what was originally passed by the voters as Measure 40 in November 1996. Measure 40 was set aside by the Oregon Supreme Court because it amended more than one part of the Oregon Constitution, and the Court said each amendment must be voted on separately. So, the Legislature has split the original Measure 40 into separate amendments for consideration by the voters. This is one of those amendments.

This measure helps guarantee that sentencing laws will be enforced, and that sentences imposed by judges will be respected. It prevents the subsequent reduction of these sentences unless the reduction has occurred through judicial proceedings or the sentencing court has agreed to the reduction, or unless the reduction has occurred through the traditional power of the Governor to grant a reprieve, commutation, or pardon.

It is important for offenders to understand that the sentence imposed by the judge will be carried out. If the Legislature establishes more liberal sentencing policies, and tries to apply them retroactively, the sentencing court must agree to the liberalization of the sentence, or the original sentence will stay in place.

This measure helps preserve and protect the right of crime victims to justice, and to ensure that a fair balance is struck between the rights of crime victims and the rights of criminal defendants in the course and conduct of court proceedings.

Referral of this measure to the voters was sought by the three largest, longest established victims' organizations in Oregon (Parents of Murdered Children; Mothers Against Drunk Driving; Crime Victims United) and by Oregon law enforcement organizations (Association Chiefs of Police; District Attorneys Association; State Sheriffs Association; State Police; Federation of Parole and Probation Officers).

Please vote yes on Measure 74 to ensure that "truth in sentencing" will really apply in Oregon.

Kevin L. Mannix
State Representative

(This information furnished by Kevin L. Mannix, Justice For All.)

(This space purchased for \$300 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

In 1996, Oregonians overwhelmingly voted to give crime **victims** at least as many rights as **criminals**. But the politicians on the Oregon Supreme Court came up with a never-before used technicality to throw out the voters' wishes.

Measures 69 through 75 are virtually the same Crime Victims Bill of Rights.

Measure 74 amends the state constitution to guarantee that sentences imposed by trial judges in open court will be carried out. Except for the Governor's historic power to grant reprieves, commutations, and pardons, Measure 74 prohibits a later reduction of a criminal defendant's sentence without the concurrence of the sentencing judge. This will prevent the parole board or other correctional agencies from releasing a convicted criminal early outside the scope of public scrutiny. Measure 74 also prohibits the Legislature from passing laws that limit that authority of the sentencing judge from imposing consecutive sentences from crimes committed against different people. In other words, there will be no "freebies" for criminals who go on a crime spree. Criminals will be subject to a more severe sentence for each victim they injure.

PLEASE VOTE YES ON MEASURES 69 THROUGH 75!

SHOULDN'T THE CRIME VICTIM HAVE AT LEAST AS MANY RIGHTS AS THE CRIMINAL?

(This information furnished by Steve Doell, Crime Victims United.)

(This space purchased for \$300 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. 74

ARGUMENT IN FAVOR

Measures 69 thru 75 are part of Ballot Measure 40 "The Victims Bill of Rights" passed by the people with nearly a 60% yes vote in 1996. This measure was part of that "Bill of Rights."

Oregon's Supreme Court overturned Measure 40 in its entirety using newly interpreted technical grounds. Consequently, the legislators divided Ballot Measure 40 into seven separate parts, which included most of Measure 40 and referred these seven measures to the people to be voted on again.

Measure 74 is a "Truth in Sentencing" proposal. It prohibits an administratively reduced sentence once that sentence has been pronounced in open court by the judge. The only exceptions are the Governor's power of reprieve, commutation and pardons along with Judicial authority to grant appellate and post conviction relief.

The measure requires the sentencing judge to explain in open court what programs, rules and procedures may alter the time to be served.

The intent here is that the victim, the press and the public are entitled to know the REALITY of the imposed sentence rather than believing some announced number of months that may have little connection to what is actually served.

In case after case we have seen criminals sentenced only to find later that through some mysterious, little understood procedure, the criminal was back out far short of the announced sentence. Victims and families of victims of all type of crimes, particularly those of sexual assault are frequently stunned to find that their victimizer is not only out but back in their community. The psychological effect on victims and their families is devastating; communities become outraged and general respect for law and government suffer.

Please Vote YES on Measure 74.

Please Vote YES for "Truth in Sentencing".

Bob & Dee Dee Kouns
 Founders of Crime Victims United
 Chief Petitioners of Ballot Measure 40

(This information furnished by Bob & Dee Dee Kouns, Crime Victims United.)

(This space purchased for \$300 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

Over the last few years Oregonians have made it clear they want "Truth in Sentencing" in criminal cases. For too many years convicted felons who were sentenced to terms of 20 years were routinely after serving less than half their original sentence. Judges had no control over when a felon would be released. Measure 11 now makes sure that murderers would actually serve 25 years for a "life" sentence" instead of the 8 years that many murderers actually served.

But the shortage of prison beds and financial pressures on the Corrections system has resulted in many criminals convicted of lesser, but still-serious felonies, getting out much sooner than the sentence imposed by the judge. Felons convicted of attempting to seriously injure their victims with a weapon have found loopholes that permit their release after they have served half, or even less of their sentence.

Measure 74 would mandate real "Truth in Sentencing" in Oregon's criminal courts. It is only fair to ALL concerned that the sentence a judge hands down in open court be the actual sentence served by the convicted criminal. Everyone in the system, victims and defendants alike should be able to know what a sentence actually means when they are in court.

Judges are the people we trust to make the decision about what sentence a convict should receive. The sentencing hearing is often the ONLY time the victim or their family can even speak to the court.

Measure 74 makes it clear that unless a judge specifically approves a reduction in sentence or an appeals court alters a sentence that the term of imprisonment could not be altered. Measure 74 would NOT interfere with the wide-ranging power of the Governor to grant pardons (completely wipe out a conviction) or commutations (reductions in prison sentences).

Vote YES on Measure 74 to insure when a judge says 3 years in prison it really MEANS 3 years.

(This information furnished by Joshua Marquis.)

(This space purchased for \$300 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. 74

ARGUMENT IN OPPOSITION

My father was murdered during a jewelry store robbery.

As a victim of crime, I am keenly aware of the short-comings in our criminal justice system.

I am appalled, however, by the measures we are being asked to approve in the name of crime victims' rights, Measures 69, 70, 71, 72, 73, 74 and 75. These measures are a fraud perpetrated upon us as protecting crime victims, but which do nothing but provide empty promises.

They have, instead, everything to do with giving the government the same kind of unbridled powers that allowed Special Prosecutor Kenneth Starr to run amok in Washington, D.C.

Like most Oregonians, I am in favor of protecting crime victims, and if these measures did so I would urge your support. But crime victims like me and my family are being used in a cynical ploy to gain your vote. Don't let them use our pain to their advantage.

Please Vote No on Measures 69, 70, 71, 72, 73, 74 and 75.

Michele Kohler

(This information furnished by Michele Kohler.)

(This space purchased for \$300 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

Benton County Sheriff Stan Robson urges you to vote No on Measures 69, 70, 71, 72, 73, 74 and 75.

As Benton County Sheriff, I know most of these measures can be accomplished without repealing the Oregon Bill of Rights. It is not appropriate to abuse the constitution with issues already covered by current law.

Measure 69 states no defendant can ever be considered a victim. Even in cases of domestic violence a woman charged for defending herself against an abusive husband could never be considered a victim. It's wrong to place that language in our Bill of Rights.

Measure 70 could cost local counties millions of dollars, while eliminating the right to choose how to be tried, a basic tenet of Oregon's Bill of Rights.

Measure 71 would require our county, and many others with overcrowded jails, to release criminals to make room for those awaiting trial. As sheriff, I want to protect my community from the most dangerous offenders, not release them early because of Measure 71.

Measure 72. Oregon should take every precaution against convicting innocent people of murder. Unanimous verdicts are the best means of proving guilt beyond a reasonable doubt. Innocent people could be convicted if Measure 72 passes.

Measure 73. Our Bill of Rights says a person cannot be forced to testify against himself. As Sheriff, I know we either have a confession or we don't. This basic right must not be repealed.

Measure 74: In our current system, law enforcement works with prosecutors and judges to determine appropriate sentences, including work release, home detention and community service. This measure will increase overcrowding in our jails. And it will strip us of valuable alternative sanctions that often fit the crime better than jail time.

Measure 75 could cost taxpayers millions. Our current jury system is fair and balanced. We should leave our Bill of Rights alone.

Please join me in Voting No on Measures 69-75.

Sheriff Stan Robson

(This information furnished by Stan Robson, Benton County Sheriff.)

(This space purchased for \$300 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. 75

House Joint Resolution 89—Referred to the Electorate of Oregon by the 1999 Legislature to be voted on at the Special Election, November 2, 1999.

BALLOT TITLE

75 AMENDS CONSTITUTION: PERSONS CONVICTED OF CERTAIN CRIMES CANNOT SERVE ON GRAND JURIES, CRIMINAL TRIAL JURIES.

RESULT OF "YES" VOTE: "Yes" vote creates constitutional ban on persons convicted of certain crimes serving on grand juries, criminal trial juries.

RESULT OF "NO" VOTE: "No" vote leaves Constitution without ban on persons convicted of crimes serving on grand juries, criminal trial juries.

SUMMARY: Amends Constitution. Measure would ban service on grand juries, criminal trial juries by persons convicted of felony or who served felony sentence within 15 years immediately preceding the date the persons are required to report for jury duty. Measure would also ban service on grand juries, criminal trial juries by persons convicted of misdemeanors involving violence or dishonesty or who served sentences for such misdemeanors within five years immediately preceding the date the persons are required to report for jury duty. Currently, a statutory ban on trial jury service by a felon exists. No constitutional ban on jury service by a felon or a person convicted of a misdemeanor exists. Does not create cause of action for compensation or damages. Does not allow disqualifying jury, nullifying verdict or indictment, terminating criminal prosecution after jury impaneled and sworn. Does not apply to criminal proceedings when jury impaneled prior to measure's effective date.

ESTIMATE OF FINANCIAL IMPACT: 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 to be added to and made a part of Article I, such section to read:

(1) In all grand juries and in all prosecutions for crimes tried to a jury, the jury shall be composed of persons who have not been convicted:

(a) Of a felony or served a felony sentence within the 15 years immediately preceding the date the persons are required to report for jury duty; or

(b) Of a misdemeanor involving violence or dishonesty or served a sentence for a misdemeanor involving violence or dishonesty within the five years immediately preceding the date the persons are required to report for jury duty.

(2) This section applies to all criminal proceedings pending or commenced on or after the effective date of this section, except a criminal proceeding in which a jury has been impaneled and sworn on the effective date of this section. Nothing in this section reduces a criminal defendant's rights under the Constitution of the United States. Except as otherwise specifically provided, this section supersedes any conflicting section of this Constitution. Nothing in this section is intended to create any cause of action for compensation or damages nor may this section be used to disqualify a jury, invalidate an accusatory instrument, ruling of a court,

conviction or adjudication or otherwise suspend or terminate any criminal proceeding at any point after a jury is impaneled and sworn or on appeal.

PARAGRAPH 2. The amendment proposed by this resolution shall be submitted to the people for their approval or rejection at a special election held throughout this state on the date specified in section 2, chapter _____, Oregon Laws 1999 (Enrolled House Bill 2354).

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

EXPLANATORY STATEMENT

This measure amends the Bill of Rights in the Oregon Constitution by imposing constitutional restrictions on who can act as a juror on a grand jury or on a jury in a criminal case.

This measure provides that a person cannot serve as a juror on a grand jury or on a jury in a criminal case if the person:

1. Has been convicted of a felony or has served a felony sentence within the 15 years immediately preceding the date the person is required to report for jury duty; or
2. Has been convicted of a misdemeanor involving violence or dishonesty within the five years immediately preceding the date the person is required to report for jury duty.

Currently, there is no constitutional ban that would prevent a person who has been convicted of a crime from serving on a jury.

Except as otherwise specifically provided, this measure supersedes any conflicting section of the Oregon Constitution.

Committee Members:

Senator Neil Bryant
Representative Kevin Mannix
Senator Kate Brown
Representative Floyd Prozanski
Representative Lane Shetterly

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. 75

ARGUMENT IN FAVOR

VOTE YES ON MEASURE 75 TO KEEP CRIMINALS OFF CRIMINAL JURIES

It is hard to believe, but criminals can serve on criminal juries in Oregon. There is a statute which prevents felons (higher level criminals) from serving on juries, but this is not in the Constitution, and there is no provision which prevents violent or dishonest misdemeanants (lower level criminals) from serving on juries. This is particularly disturbing in regard to grand juries, where the prosecutor has no opportunity to object to the persons who sit on the grand jury. Imagine this: criminals sitting on a grand jury, deciding whether a criminal defendant should be indicted or not. This measure needs to be made a part of the Constitution; otherwise, the Legislature can change the statute at any time.

This measure is a referral from the Legislature. It closely reflects part of what was originally passed by the voters by a wide margin within Measure 40 in November 1996. The Oregon Supreme Court later ruled that Ballot Measure 40 could not be enacted as a single amendment to the Oregon Constitution, because it had several provisions which should be voted on separately. So, the Legislature has split the original Measure 40 into separate amendments. This measure reflects one of those amendments.

Referral of this measure to the voters was sought by the three largest, longest established victims' organizations in Oregon (Parents of Murdered Children; Mothers Against Drunk Driving; Crime Victims United) and by Oregon law enforcement organizations (Association Chiefs of Police; District Attorneys Association; State Sheriffs Association; State Police; Federation of Parole and Probation Officers).

This measure guarantees that convicted felons, and convicted misdemeanants in crimes involving dishonesty or violence, are prevented from serving on criminal juries. Please vote yes on Measure 75.

Kevin L. Mannix
State Representative

(This information furnished by Kevin L. Mannix, Justice For All.)

(This space purchased for \$300 in accordance with ORS 251.255.)

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ARGUMENT IN FAVOR

In 1996, Oregonians overwhelmingly voted to give crime victims at least as many rights as criminals. But the politicians on the Oregon Supreme Court came up with a never-before used technicality to throw out the voters' wishes.

Measures 69 through 75 are virtually the same Crime Victims Bill of Rights.

If you were a crime victim, would you want a jury of fair-minded citizens? Or instead, would you like to have a jury full of felons, sex offenders, and thieves?

The Oregon Constitution currently allows convicted felons and person convicted of crimes like shoplifting, forgery, or assault to serve on juries.

In one recent example, a grand juror with a criminal history refused to vote in favor of any indictment involving a violent felony, because her boyfriend had been imprisoned for conviction of a violent felony. Her response was that this was her way of "getting back" at the system. Another example occurred when a convicted felon refused to disclose his criminal history, was placed on a jury, and tied proceedings up so long that the jury hung, and the criminal went free.

Regardless of your perspective, juries have an important job: listening to both sides, and deciding what is fair and just. This is too important to leave up to convicted felons, petty thieves, and other violent offenders.

LET'S KEEP CONVICTED CRIMINALS FROM SERVING ON OREGON JURIES!

PLEASE VOTE YES ON MEASURES 69 THROUGH 75!

SHOULDN'T THE CRIME VICTIM HAVE AT LEAST AS MANY RIGHTS AS THE CRIMINAL?

(This information furnished by Steve Doell, Crime Victims United.)

(This space purchased for \$300 in accordance with ORS 251.255.)

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Measure No. 75

ARGUMENT IN FAVOR

Measures 69 thru 75 are part of Ballot Measure 40 "The Victims Bill of Rights" passed by the people with nearly a 60% yes vote in 1996. This measure was part of that "Bill of Rights."

Oregon's Supreme Court overturned Measure 40 in its entirety using newly interpreted technical grounds. Consequently, the legislators divided Ballot Measure 40 into seven separate parts, which included most of Measure 40 and referred these seven measures to the people to be voted on again.

Some try to make people believe that a jury decision only affects the person being tried. If you or your family become a victim of a criminal, the finding of the jury in your case may likely be one of the most important decisions affecting you for the rest of your life. Was the jury fair, just, impartial, thorough and honest in their consideration of the evidence? Did they follow the law?

These characteristics are not usually associated with people who have been convicted of felony crimes and have served time in jail or prison. Some criminals are clever, manipulative people with powerful personalities. They revel in making a mockery of our criminal justice system. Such people should never be on a jury because the damage they can do to society in general and the victims in particular is enormous.

Where our constitution speaks of our right to be tried by a jury of our peers, it does not mean a criminal gets to be tried by a jury of criminals.

This measure ultimately offers respectability to those who have committed a felony. They can demonstrate their worthiness for jury duty by leading a crime free life for 15 years after conviction and release from prison or jail.

We don't need criminals making life-altering decisions that can profoundly affect innocent lives.

Please Vote YES on Measure 75.

Please Vote YES to prohibit criminals on juries.

Bob & Dee Dee Kouns
 Founders of Crime Victims United
 Chief Petitioners of Ballot Measure 40

(This information furnished by Bob & Dee Dee Kouns, Crime Victims United.)

(This space purchased for \$300 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

It is time to balance the scales of justice.

- **We need a justice system and not just a legal system.**

One of the ways to achieve this is to vote yes on Ballot Measure 75. The scales of justice have always leaned toward the perpetrators of crime. It is time that the innocent victims of crime have equitable rights.

- **If someone is not responsible enough to follow the law, how can they be responsible enough to decide guilt or innocence.**

The jurors mission is to be finder of fact and to be able to base their decision based on the evidence presented to them. They should not rely on preconceived biases that would affect that decision. Most criminals feel that somehow they are the victim. That a wrong was committed against them. How can a person in this situation be fair and objective.

- **If you were a victim of crime would you want the alleged perpetrator's fate decided by a criminal?**

My father was murdered on June 25, 1996. Paul Rivenes was a father, grandfather, husband, brother, uncle, friend and community leader. He was the innocent victim of violent crime. He owned a grocery store and 3 men decided that they wanted money. He was stabbed 16 times. If his murderers guilt or innocence had been decided by convicted criminals, there is a possibility that they would be out on the street today generating more and more victims. Butchering more innocent people.

Guilt or innocence should not be decided by criminals but by responsible law abiding citizens.

Please vote yes on Measure 75.

Julie Hedden
 Daughter of Murder Victim Paul Rivenes

(This information furnished by Julie Hedden, Crime Victims United.)

(This space purchased for \$300 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. 75

ARGUMENT IN OPPOSITION

Follow The Money

As a long-time journalist and former Statehouse reporter in Salem, I've learned to ask two questions whenever the government wants some new program or power: "How much will it cost?" and "What aren't they telling us?"

In the case of Measures 69, 70, 71, 72, 73, 74 and 75, the answers are "A lot" and "A lot."

The first clue that we better hold onto our wallets is the cost estimate. By law, a committee of bureaucrats must determine the "fiscal impact" of ballot measures so voters know how much they'll cost. State officials tried to estimate the costs of Measures 69-75, but they couldn't figure it out. "There are costs, but they are indeterminate," a state official testified.

But rather than putting "indeterminate" in the Voters' Pamphlet, the bureaucrats voted to use these misleading words instead: "No fiscal impact."

Since when does "indeterminate" mean "no cost?" In my experience with government, "indeterminate" means "millions."

What else aren't they telling us? A lot.

Take Measure 75 as an example. What this misleading Ballot Title doesn't tell you is that felons are already excluded from serving on criminal juries in Oregon. The only thing new about Measure 75 is that it excludes people from juries who have been convicted of "certain" misdemeanors involving dishonesty or violence. "Certain" hasn't been defined, but could involve things like fishing without a license or missing a date in traffic court. They also aren't telling us that they don't have a system for tracking misdemeanor convictions from all the different counties.

A system of background checks for all prospective jurors will cost millions.

To get around this problem, state officials are recommending a self-reporting system. They want to ask jurors, "Have you been convicted of a misdemeanor involving dishonesty. Please tell the truth this time."

I wonder if misleading voters in the Voters' Pamphlet would bar state officials from jury duty.

"No fiscal impact?" Yeah, right.

(This information furnished by David Smigelski, Crime Victims for Justice.)

(This space purchased for \$300 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 seven initiatives, Measures 69, 70, 71, 72, 73, 74 and 75, seem to be designed to more closely involve the victims of crime in punishing the perpetrator with the objective of satisfying the victims' desire for justice – defined as revenge.

This does nothing to right the wrong – rehabilitate the wrongdoer – or insure that the wrongdoer provides the victim with adequate restitution.

These measures would erode our protections under Oregon's Bill of Rights, granting additional power to prosecutors already more interested in obtaining conviction than in promoting justice.

Simply using the power of the criminal justice system to send perpetrators to prison for a postgraduate course in wrongdoing, and then releasing them into society, does nothing to promote public safety.

When our daughter died in a crash caused by a drunken young woman, our family and our daughter's husband chose to work directly with this young woman to help her become truly conscious of the devastation her behavior had caused, and to motivate her to change her life and avoid killing someone else.

Please vote No on Measures 69-75.

Peter Serrell

(This information furnished by Peter V. H. Serrell.)

(This space purchased for \$300 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. 75

ARGUMENT IN OPPOSITION

MATCH THE MEASURES

An index to Measures 69, 70, 71, 72, 73, 74 and 75

- Measure that says government gets to decide who is a victim and whenMeasure 69
- Measure that gives Oregon prosecutors the same powers Kenneth Starr usedMeasure 73
- Measure that repeals significant sections of the Oregon Bill of RightsAll of them
- Measure that could force background checks for all potential jurorsMeasure 75
- Measure that says a defendant can never be a victim, even in cases of domestic abuseMeasure 69
- Measure that could cost taxpayers millions of dollarsAll of them
- Measure that will lead to innocent people being convicted of murderMeasure 72
- Measure that forces a person to testify against himself and then be prosecutedMeasure 73
- Measure that will cause early release of prisoners from county jailsMeasures 71 and 74
- Measure that says people are Guilty Until Proven InnocentMeasure 71
- Measure that slaps voters in the faceMeasure 74
- Measure that could force rape and incest victims to testify before juries against their willMeasure 70
- Measure opposed by Crime Victims For JusticeAll of them
- Measure that takes power from judges and gives it to government prosecutorsMeasure 70 and 71
- Measure that assumes every person arrested is guiltyMeasure 71
- Measure that could keep people caught fishing without a license off of juriesMeasure 75
- Measure giving the state power to demand jury trials even when victims don't want oneMeasure 70
- Measure that would allow those falsely accused to be held for months before trialMeasure 71
- Best way to protect Oregon's Bill of RightsVote No on Measures 69-75

(This information furnished by Martin Gonzalez, Crime Victims for Justice.)

(This space purchased for \$300 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. 76

Senate Joint Resolution 44—Referred to the Electorate of Oregon by the 1999 Legislature to be voted on at the Special Election, November 2, 1999.

BALLOT TITLE

76 AMENDS CONSTITUTION: REQUIRES LIGHT, HEAVY MOTOR VEHICLE CLASSES PROPORTIONATELY SHARE HIGHWAY COSTS

RESULT OF "YES" VOTE: Yes vote requires light, heavy vehicles proportionately share highway costs through fees, fuel tax.

RESULT OF "NO" VOTE: No vote rejects requiring light, heavy vehicles proportionately share highway costs through fees, fuel tax.

SUMMARY: Amends constitution. Constitution now does not specify that motor vehicle fuel tax and vehicle fees for ownership, operation, use, be proportionate to costs of constructing, maintaining system of public highways, roads, rest areas, that are incurred because of different vehicle classes. Measure requires that share of revenues paid for use of light vehicles (cars) and heavy vehicles (trucks) be proportionate to costs incurred for highway system because of each vehicle class. Requires biennial legislative review, adjustment of revenue sources as necessary to ensure fairness, proportionality.

ESTIMATE OF FINANCIAL IMPACT: 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 3a, Article IX of the Constitution of the State of Oregon, is amended to read:

Sec. 3a. (1) Except as provided in subsection (2) of this section, revenue from the following shall be used exclusively for the construction, reconstruction, improvement, repair, maintenance, operation and use of public highways, roads, streets and roadside rest areas in this state:

(a) Any tax levied on, with respect to, or measured by the storage, withdrawal, use, sale, distribution, importation or receipt of motor vehicle fuel or any other product used for the propulsion of motor vehicles; and

(b) Any tax or excise levied on the ownership, operation or use of motor vehicles.

(2) Revenues described in subsection (1) of this section:

(a) May also be used for the cost of administration and any refunds or credits authorized by law.

(b) May also be used for the retirement of bonds for which such revenues have been pledged.

(c) If from levies under paragraph (b) of subsection (1) of this section on campers, mobile homes, motor homes, travel trailers, snowmobiles, or like vehicles, may also be used for the acquisition, development, maintenance or care of parks or recreation areas.

(d) If from levies under paragraph (b) of subsection (1) of this section on vehicles used or held out for use for commercial purposes, may also be used for enforcement of commercial vehicle weight, size, load, conformation and equipment regulation.

(3) Revenues described in subsection (1) of this section that are generated by taxes or excises imposed by the state shall be generated in a manner that ensures that the share of

revenues paid for the use of light vehicles, including cars, and the share of revenues paid for the use of heavy vehicles, including trucks, is fair and proportionate to the costs incurred for the highway system because of each class of vehicle. The Legislative Assembly shall provide for a biennial review and, if necessary, adjustment, of revenue sources to ensure fairness and proportionality.

PARAGRAPH 2. The amendment proposed by this resolution shall be submitted to the people for their approval or rejection at a special election held throughout this state on the date specified in section 2, chapter _____, Oregon Laws 1999 (Enrolled House Bill 2354). If a special election is not held throughout this state on the date specified in section 2, chapter _____, Oregon Laws 1999 (Enrolled House Bill 2354), the amendment proposed by this resolution shall be submitted to the people for their approval or rejection at a special election held throughout this state on the same date as the next biennial primary election.

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

EXPLANATORY STATEMENT

This measure amends section 3a, Article IX of the Oregon Constitution to require that revenue from a tax or excise imposed by the state on motor vehicle fuel or on a motor vehicle be generated in a manner that is fair and proportionate to costs for highways incurred from use of the highways by light vehicles and heavy vehicles. Light vehicles include cars and heavy vehicles include trucks.

The measure requires the Legislative Assembly, every two years, to review and, if necessary, to adjust the taxes and excises to ensure that the taxes and excises on motor vehicle fuel and motor vehicles are fair and proportionate as between costs for highways incurred from use by light vehicles and by heavy vehicles.

Section 3a, Article IX, currently requires that revenue from any tax or excise levied on motor vehicle fuel and the ownership or operation or use of a motor vehicle be used primarily for:

1. Construction, reconstruction, improvement, repair, maintenance, operation and use of public highways, roads, streets and roadside rest areas;
2. Cost of administration and refunds or credits authorized by law; and
3. Retirement of bonds for which the revenues have been pledged.

Committee Members:

Senator Lee Beyer
 Representative Bruce Starr
 Representative Roger Beyer
 Senator Tony Corcoran
 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.)

NO ARGUMENTS IN OPPOSITION TO THIS BALLOT MEASURE WERE FILED WITH THE SECRETARY OF STATE.

Measure No. 76

ARGUMENT IN FAVOR

MEASURE 76 IS FAIR

Submitted by Fred. D. Duckwall

President

Duckwall Pooley

Fruit Company

As a fresh fruit packer who moves apples and pears across Oregon's local and state roads, highways and bridges, I urge you to vote YES on Measure 76.

Without the measure, heavy out-of-state trucks could pay less than their fair share of the cost of damage they do to Oregon highways. Measure 76 will correct that by guaranteeing that **all motorists pay their fair share.**

**Measure 76 ensures that nobody
- including out-of-state trucks -
gets a break when it comes to paying
for Oregon's roads and bridges.**

There is no higher priority for me than getting my goods from my packaging facility to my customers. Without good roads, highways and bridges, I'm out of business and my employees are out of a job. It's only fair that the motorists whose driving damages the roads pay for the repairs and improvements.

However, there currently is no constitutional requirement that trucks pay their fair share of the costs of our highways. Measure 76 would guarantee that the state examine highway costs every two years and allocate them fairly and proportionately to cars and trucks.

We need to guarantee cost responsibility.

Vote YES on 76.

(This information furnished by Fred D. Duckwall, Fair Funding for Better Roads.)

(This space purchased for \$300 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

OREGON'S CONSTRUCTION WORKERS SUPPORT MEASURE 76!

All vehicles, cars and trucks alike, should pay their fair share for the damage they do to our roads. That's why Measure 76 is so important.

- It guarantees that the costs for road and bridge repairs and improvements be split fairly and proportionately between trucks and cars.
- It requires the state to conduct a cost responsibility study every two years to accurately assess how transportation costs should be shared by cars and trucks.
- If necessary, the measure requires the state to adjust revenue sources to guarantee that cars and trucks pay a fair and proportionate share of the costs incurred to upgrade and repair roads and bridges.

Today, there is no constitutional requirement that cars and trucks pay their fair share of the cost of Oregon's highways. Measure 76 fixes that by requiring the legislature to maintain cost responsibility between cars and trucks.

Vote YES on 76.

(This information furnished by Bob R. Shiprack, Oregon State Building and Construction Trades Council.)

(This space purchased for \$300 in accordance with ORS 251.255.)

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Measure No. 76

ARGUMENT IN FAVOR

YOUR CITIES SUPPORT MEASURE 76

Funding Responsibility Measure Guarantees All Drivers Pay Their Fair Share

Mayor Joanne Verger, Coos Bay
President, League of Oregon Cities

Commissioner Charlie Hales, Portland
Vice President, League of Oregon Cities

Mayor Susan Roberts, Enterprise
Treasurer, League of Oregon Cities

As representatives of Oregon's cities, we urge you to vote
YES on 76.

The membership of the League of Oregon Cities includes 238 of Oregon's 240 incorporated cities, representing more than 2 million Oregonians. We know quite a bit about the wear and tear on local roads and bridges. Measure 76 guarantees that all motorists, cars and trucks alike, pay their fair share for the damage their driving causes.

It just makes good sense that the cars and trucks that drive on Oregon's roads pay a fair and proportional share of the costs to repair, maintain and improve the roads. That's what Measure 76 does.

The measure would require a review of road costs every two years and would determine how those costs should be shared. Right now, there is no requirement – either in law or in the constitution – that a cost responsibility study be completed.

Oregon needs Measure 76 to guarantee road funding fairness.
Vote yes on 76!

(This information furnished by Joanne Verger, Charlie Hales and Susan Roberts, League of Oregon Cities.)

(This space purchased for \$300 in accordance with ORS 251.255.)

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ARGUMENT IN FAVOR

VOTE YES ON 76

GUARANTEE THAT ALL MOTORISTS PAY THEIR FAIR SHARE

Submitted By Henry Hewitt

Chairman

Oregon Transportation Commission

I urge you to vote YES on Measure 76, the cost responsibility measure.

Measure 76 puts a requirement in the state constitution that revenues for roads are collected in a manner that ensures cars and heavy vehicles, including commercial trucks, **pay a fair and proportionate share** of the costs incurred for the highway system.

Measure 76 promotes fair funding for better roads.

Oregon has a long history of requiring the people who use our roads to pay for road repairs and improvements. User fees are a fair method of funding transportation needs. Those who benefit from the services pay for them.

Measure 76 requires that Oregon examine road costs every two years and, based on that examination, allocate costs fairly and proportionately between trucks and cars. Right now, there is no requirement that transportation costs be shared fairly between different classes of vehicles.

That's why we need to pass Measure 76.

Measure 76 guarantees that trucks and cars will pay a proportionate share for the damage their driving causes to our roads.

We need a constitutional requirement that all motorists, cars and trucks alike, pay their fair share for the damage they do to Oregon's roads and bridges.

Mark your ballot YES on 76 and mail it back today.

(This information furnished by Henry H. Hewitt, Oregon Transportation Commission.)

(This space purchased for \$300 in accordance with ORS 251.255.)

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Measure No. 76

ARGUMENT IN FAVOR

OREGON NEEDS A FAIR FUNDING SYSTEM FOR TRANSPORTATION

Submitted by Craig Honeyman, Executive Director
Associated General Contractors

Vote YES on Measure 76. It will ensure all vehicles, cars and trucks alike, continue to pay their fair share as Oregon's roads and bridges are maintained and improved.

Associated General Contractors is a trade association representing the commercial construction industry in Oregon. We represent approximately 1,200 members throughout the state. We're concerned that right now, there is no constitutional requirement that the costs of Oregon's road repairs and improvements are shared fairly and proportionately between cars and trucks.

Measure 76 fixes that by guaranteeing that all motorists – both cars and trucks – will pay their fair share of construction and maintenance of Oregon's highway system.

Measure 76 would set up a mechanism to examine how Oregon's transportation costs should be shared and to allocate the costs for road repairs and improvements. It's the best way to ensure that nobody – especially heavy, out-of-state trucks – is getting a break.

In recent years, inflating costs have pinched road construction crews, while population growth and a thriving economy burden roads with more traffic. Needed road repairs have been shuffled aside and safety has been compromised. The result has been a rapidly deteriorating transportation system in Oregon that often puts motorists in danger.

Oregon needs good local streets and state highways for all of us to use. Vote **YES on 76** to ensure that all drivers – large and small – continue to pay their share.

(This information furnished by Craig Honeyman, Executive Director, Associated General Contractors, Oregon-Columbia Chapter.)

(This space purchased for \$300 in accordance with ORS 251.255.)

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ARGUMENT IN FAVOR

OREGON FARMERS SUPPORT MEASURE 76

Submitted by John Rossner
President

OREGON FARM BUREAU FEDERATION

Farmers in Oregon rely on common sense. And it only makes sense that all motorists pay their fair share for the costs of our roads.

That's why we support Measure 76.

Oregon farmers depend on good roads throughout the state to get our goods from farms to processors, and from processors to ports. It is especially important for us to have adequate and dependable roads at the county level throughout rural Oregon.

Currently there is no constitutional requirement that trucks – especially heavy out-of-state trucks – pay their fair share of the damage they do to Oregon's roads and highways. In fact, in the 62 years since 1937, the state has conducted a cost responsibility study only 10 more times. Measure 76 would require a study of how transportation costs should be shared every two years.

Measure 76 guarantees that all drivers pay their fair share for the state's transportation system. It is important to guarantee the funds to pay for road repairs and improvements are allocated fairly and proportionately to the cars and trucks that cause the wear and tear to our transportation system.

It's common sense.

Vote YES on 76 to guarantee Oregon's transportation funding is fair.

(This information furnished by John Rossner, Oregon Farm Bureau Federation.)

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Measure No. 76

ARGUMENT IN FAVOR

STATEMENT SUBMITTED BY FRED MILLER
FORMER DIRECTOR
OREGON DEPARTMENT OF TRANSPORTATION

As a former director of the Oregon Department of Transportation, I urge you to vote YES on 76. It will require that all drivers, including heavy out-of-state trucks, continue to pay their fair share for the damage their driving causes to Oregon's roads.

OREGON ROADS NEED ATTENTION NOW

For years, the condition of Oregon's roads has been deteriorating due to inadequate funding. Traffic congestion is worsening in our urban areas. Across the state, road conditions are a factor in many traffic fatalities. This is a serious problem that touches the lives of every Oregonian.

Thankfully, the Oregon legislature had the vision this year to fix the problem. They adopted a transportation plan that provides needed revenues to improve and repair local and state roads, highways and bridges. The funding comes from those whose driving stresses the system -- trucks and cars alike.

THE RESULT WILL BE SAFER ROADS AND REDUCED CONGESTION

Measure 76 will guarantee cars and trucks fairly and proportionately share the cost of funding the transportation plan. Trucks currently pay 36 percent of highway costs and cars pay 64 percent. Under Measure 76, the Oregon legislature will be required to adjust these percentages -- as necessary -- every two years to ensure both cars and trucks pay their fair share.

Without the measure, heavy out-of-state trucks could pay less than their fair share of the cost of damage they do to Oregon's highways.

Measure 76 is fair for Oregon's motorists and it's good for Oregon's local and state roads and highways.

Vote YES on 76.

(This information furnished by Fred Miller, Portland General Electric.)

(This space purchased for \$300 in accordance with ORS 251.255.)

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ARGUMENT IN FAVOR

THE 19,000 BUSINESS MEMBERS OF
ASSOCIATED OREGON INDUSTRIES
SUPPORT MEASURE 76

By Richard Butrick
President
Associated Oregon Industries

Oregon's business community urges you to vote YES on Measure 76, the cost responsibility measure. It guarantees that all motorists, including trucks, pay their fair share for Oregon's transportation system.

For many years, Oregon has been dedicated philosophically to a user-based approach to road finance. To have users fund road repairs and improvements, Oregon introduced the nation's first fuel tax on gas in 1919. The state completed its first study of how road costs should be allocated in 1937.

However, in the 62 years since that first cost responsibility study, only 10 more studies have been completed. The practice of determining how road costs should be shared often has been overlooked.

Measure 76 is needed to guarantee that studying cost responsibility isn't overlooked again.

Cost responsibility determines the fair share that each class of road users should pay for road maintenance, operation and improvement. It also recommends adjustments, when necessary, to existing revenue sources to match payments and responsibilities for each class of vehicle.

Measure 76, the cost responsibility measure, requires lawmakers to examine road costs every two years. The measure would guarantee that costs are fairly and proportionately allocated between cars and trucks. Today, there is no requirement that transportation costs be shared fairly. Measure 76 is needed to fix that.

Please mark your ballot YES on 76 and mail it in today.

Your vote will help guarantee that all drivers pay their fair share and it will require lawmakers to make sure this important task is not ignored.

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

(This space purchased for \$300 in accordance with ORS 251.255.)

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Measure No. 76

ARGUMENT IN FAVOR

PAYING OUR FAIR SHARE MAKES SENSE

Submitted by

Larry B. Draper, President, Silver Eagle Company

&

Ken Celorie, Celorie Bros. Dump Trucking, Inc.

As owners and operators of small trucking companies here in Oregon, we support amending the constitution to ensure all drivers pay their fair share for road improvements. That's why we support Measure 76.

Measure 76 establishes a means to ensure that the motorists whose driving strains our roads and bridges continue to pay for the damage they cause. The measure is particularly important for making sure large-out-of-state trucks don't get a break as Oregon implements a new way of taxing trucks.

Our companies are small, but together we still provide hundreds of jobs to hard-working men and women. Oregon's economy relies on moving people and goods over our local and state roads and bridges. The jobs of six out of every ten Oregon workers are tied directly to transportation. The state's wholesale and distribution industries provide high-wage jobs.

Passing Measure 76 establishes a fair way of sharing the costs of Oregon's transportation system. It sets us on a course to improve and maintain Oregon's transportation system in order to improve safety, reduce congestion and protect the economy.

Measure 76 guarantees that the costs of road improvements and repairs continue to be shared fairly by all drivers, including heavy, out-of-state trucks.

Vote YES on Measure 76.

(This information furnished by Larry B. Draper, President, Silver Eagle Company and Ken Celorie, Celorie Bros. Dump Trucking Inc.)

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ARGUMENT IN FAVOR

OREGON'S COUNTY OFFICIALS URGE YOU TO VOTE YES ON 76

Submitted by County Judge Mike McArthur
President

Association of Oregon Counties

**It's up to you to ensure that all vehicles,
cars and trucks alike,
pay their share
of the costs of damage they do
to our roads and highways!**

It's really very simple: Measure 76 would guarantee that everyone who drives on Oregon roads pays their fair share for maintenance, repair and preservation.

It's about fairness.

For 50 years, Oregon has followed a "user pays" rule in collecting state taxes to pay for road maintenance, repairs, and preservation. It's always been the best way for those who use our roads the most to share equitably in the costs of keeping those roads safe.

For example, under Oregon's system, the heavier a truck is — and therefore, the more wear-and-tear it causes our roads — the more it pays for repairs. Our system of cost-responsibility has worked for decades.

For years, Oregon's county officials have done their best to maintain deteriorating roads and bridges. They've dealt with deteriorating roads and safety hazards that put the lives of motorists in danger, and they've been frustrated by the lack of necessary resources.

Now Oregon needs a Constitutional guarantee that our fair and balanced system will continue. County officials need your help to MAINTAIN OUR ROADS AND BRIDGES, to IMPROVE ROAD SAFETY and to REDUCE CONGESTION.

That's why Measure 76 is so important. It guarantees that the costs of financing our road repairs and improvements are shared equitably by the drivers and vehicles that use the roads.

PLEASE VOTE YES ON 76.

(This information furnished by County Judge Mike McArthur, President, Association of Oregon Counties.)

(This space purchased for \$300 in accordance with ORS 251.255.)

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Measure No. 76

ARGUMENT IN FAVOR

For many years, Oregon has required those who use our roads to pay for road repairs, maintenance and improvements. User fees are a fair method of funding transportation services. Those who benefit from the roads and bridges pay for them. The more they use the services, the more they pay.

But Oregon hasn't stopped there. Long ago, the state made a commitment to determine the share that **each class of road users** should pay and to ensure cars and trucks pay a fair and proportional share.

Oregon's first cost responsibility study was completed in 1937, through which the state examined road costs and determined how those costs would be shared between cars and trucks. The purpose was to ensure that all motorists paid their fair and proportionate share for the benefits they derived by using the roads.

Over the years, similar studies have been completed, but they have never been statutorily or constitutionally required.

This year, Oregon legislators responded to concerns that changes in the method of taxing trucks could create a funding imbalance between cars and trucks. The concern was that trucks may no longer pay their fair share for the damage they do to Oregon's roads.

Legislators referred Measure 76 to the ballot to address those concerns. The measure would amend the Oregon constitution to do the following:

- Require all vehicles, cars and trucks alike, to pay their fair and proportional share for the damage their driving causes.
- Require the state to complete a cost responsibility study every two years. This is a major improvement because the studies have not been completed on a regular basis in the past. In fact, since the first study was completed in 1937, only 10 more have been done.
- If necessary – require the state to adjust revenue sources to ensure fairness and proportionality between cars and trucks.

Measure 76 will ensure that cost responsibility in transportation funding remains a central focus in Oregon.

(This information furnished by State Senator Lee Beyer.)

(This space purchased for \$300 in accordance with ORS 251.255.)

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Information

VOTER REGISTRATION

Who May Register To Vote

You may register to vote for the November 2, 1999, Special Election if:

1. You are a citizen of the United States;
2. You will be at least 18 years old by November 2, 1999; and
3. You are a resident of Oregon.

How To Register To Vote

To register to vote in the November 2, 1999, election, your completed voter registration card must be either:

- Postmarked by October 12, 1999;
- Delivered to a county elections office by October 12, 1999; or
- Delivered to any voter registration agency (i.e., DMV) by October 12, 1999.

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 12, 1999, you must request that a ballot be mailed to you or go to your county elections office to vote.

Where to Obtain a Voter Registration Card

Voter registration cards can be obtained from any county elections office, most banks and post offices, many state agencies, and are also found in some telephone books.

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 clerk to be counted.

When are the ballots mailed to the voters?

In Oregon, ballots can legally be mailed any time between the 18th and 14th days before the election.

Who will get ballots?

Each active registered Oregon voter will receive a November election ballot containing the nine statewide measures and any local measures which have been placed on the ballot.

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 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 October 28. 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 do not receive a ballot, 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 12 but now have a different address, call your county elections office for instructions on how to vote.

Do I have to mail my ballot back?

You have the choice of mailing your ballot or returning it to any designated drop site in the state. The times and locations of drop sites are available at your county elections office.

How much postage is required to mail the ballot back?

Your voted ballot can be returned using a single 33¢ stamp, unless otherwise noted by your county elections office.

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!

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 2, 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 will not begin until election day. The results that are released at 8:00 p.m. election night will include the majority of all the ballots cast. Results 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. The list of county offices is on page 55 of this Voters' Pamphlet.

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 541-655-1685

Clatsop

Allen Black & 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, Ext. 8444
TTY 503-397-7246

Coos

Terri Turi
Coos County Clerk
Courthouse
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

Reneé 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 TTY 541-440-6092

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 97401-2671
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 Bloodworth
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
503-248-3720
Fax 503-248-3719

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

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, Door 16
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 503-693-4598

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.
McMinnville, OR 97128-4593
503-434-7518 TTY 800-735-2900

SECRETARY OF STATE
Phil Keising
State Capitol Building
Salem, Oregon 97310-0722

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STATE OF OREGON SPECIAL ELECTION NOVEMBER 2, 1999



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