

state ballot measures

1

Ballot Measure 1 would change the state constitution, creating a new method of electing appellate court judges.

Under the present system, judges sitting on the state Supreme Court, the Court of Appeals and the Oregon Tax Court — the only courts affected by the measure — gain their seats in a general election after being nominated by winning a primary election. The governor fills any vacancy with an appointee, who sits on the court until the next general election.

The proposed constitutional amendment would allow the governor to appoint judicial candidates, who would appear on the general election ballot unopposed. Citizens could then vote "yes" or "no." If more than half vote "yes," a candidate seeking either a first term or re-election would win the 6-year seat. If more than half vote "no," the governor would appoint someone to fill the vacancy. The appointee would serve at least two years before facing the election.

The measure stipulates that the governor must fill vacant seats with persons named on a list compiled by a judicial nominating commission. The Chief Justice of the Supreme Court, three lawyers appointed by the governor from among those recommended by the Oregon State Bar and three non-lawyers would serve on the nominating commission.

The establishment of further rules to govern this procedure would be left up to the state legislature.

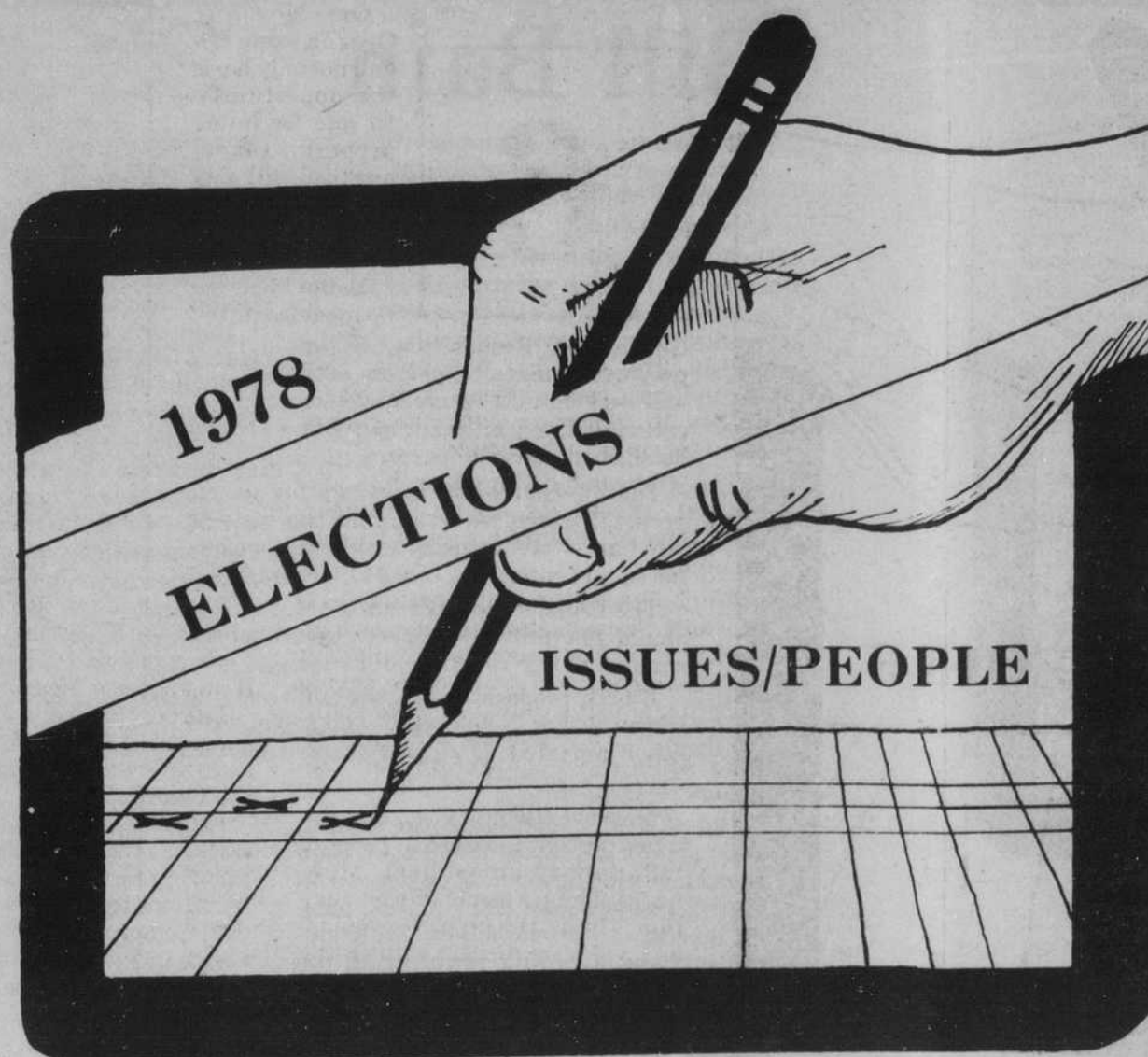
Passage of Measure 1 would make Oregon the 31st state using a version of the "Missouri Plan" for electing judges.

Proponents of the measure claim it would remove "politics as usual" from judges' selection procedure. A candidate's record, rather than personality or name familiarity, will determine his or her suitability for judgeship.

Supporters say the involvement of a knowledgeable panel in the selection process would insure that only highly-qualified candidates would be considered for judicial office. Under the present system, proponents charge, a small, well-financed interest group can inordinately influence judicial races which don't draw much voter interest.

Opponents argue that Ballot Measure 1 presumes voters are incapable of electing competent judges and is therefore elitist and undemocratic. The proposed procedure would turn the selection of judges over to politicians they say. Since candidates would run unopposed, the electorate would have no opportunity to vote for a qualified candidate over a purely political appointee.

The only organization to take a stand on Measure 1, the Committee for Number 1, reports contributions totaling \$2,250 as of Oct. 17.



2

Also a proposed constitutional amendment, Ballot Measure 2 would require the State Senate to approve or disapprove all appointments by the governor to Oregon's public offices. Appointees could not serve until approved.

The proposal, which includes appointments the governor makes to fill vacancies in elective offices, would not apply to judges, U.S. senators and representatives or local offices subject to gubernatorial appointment, such as the LTD Board.

The State Senate already possesses this authority by statute; Measure 2 would make it constitutional.

Impetus for the measure began when Gov. Bob Straub appointed senior citizens' advocate Ron Wyden to the state Board of Examiners for Nursing Home Administrators. Several senators, including Senate Pres. Jason Boe, opposed Wyden's appointment, and the senate committee on gubernatorial appointments vetoed it.

Arguing that the Senate's authority was unconstitutional, Straub stuck by the Wyden appointment only to see senators take the case to the Oregon Supreme Court — which upheld Straub.

The present procedure does not cover the governor's appointments to elective offices; furthermore, appointees now may serve while awaiting

Senate approval.

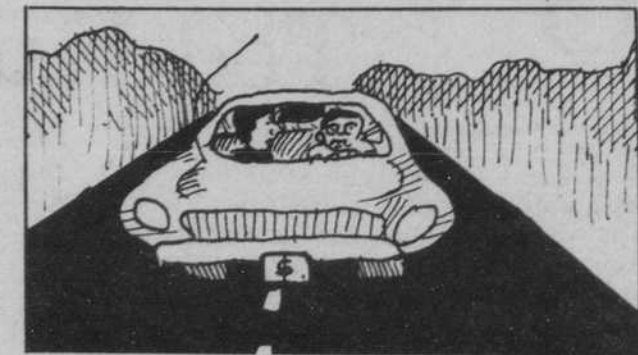
Passage of Measure 2 would require the legislature to ratify laws governing the new procedure's specifics, such as the manner in which the legislature would approve appointments made between sessions.

Proponents of Measure 2 regard it as an enhancement of Oregon's system of checks and balances. The state Senate would have constitutional authority to prevent political abuses in gubernatorial appointments through its ability to review an appointee's experience, geographic representation and possible conflicts of interest. Measure 2 is nothing less than a legislative check on executive power, supporters claim.

Opponents counter that the proposal would permit a few senators to tinker with the balance of power provided for in the Oregon Constitution. The legislature, they say, should enact laws but not exert authority reserved for the executive branch.

The measure's opponents also claim the measure "raises more questions than it answers." Why wouldn't the House of Representatives take part in the review procedure? Precisely who would confirm appointments when the biennial legislature is not in session? Is it really advisable to require approval of all gubernatorial appointments for state offices?

The Secretary of State's office reports no groups have formed to campaign for or against Measure 2.



3

Once again a movement is afoot to raise money for road improvement in Oregon this time

through passage of Ballot Measure 3.

This proposal would double the registration fees for most privately owned vehicles by requiring registration every year instead of every two years, as the law presently mandates.

Most car owners would have to pay a \$20-per-year registration fee. However, the measure makes an exception for those 65 and older, who would pay \$12.50 per year.

The present annual registration fee of \$10 for trucks with a gross weight of 8,000 pounds or less would double. Owners of campers, travel trailers and mobile homes would pay annually half of the fee now due every two years.

In addition, the measure would raise taxes on certain commercial vehicles by 7 to 9 percent. The

4

One of the most confusing and controversial issues on the November 7 ballot is Ballot Measure 4,

which would ease formation of people's utility districts (PUDs).

PUDs are publicly-owned and controlled utilities with elected boards of directors and a guaranteed right to cheap federal hydropower from the Bonneville Power Administration (BPA).

The Oregon State Grange and the Oregon-Washington Farmer's Union, along with public power and consumer groups, circulated petitions and gathered over 70,000 signatures statewide to place the measure before voters.

Why do Measure 4's proponents want the measure to pass? Historically, those states that have encouraged formation of PUDs have enjoyed lower

rates than those served by private, investor-owned utilities.

In Washington State, for example, 80 percent of the residents are served by public utilities, and 20 percent are served by private, investor-owned utilities. Customers there pay the lowest rates in the country.

Oregon also began to form PUDs soon after the Bonneville system was activated in the late 1930s, but the state legislature passed a law complicating the formation procedure. Oregon now has only four active PUDs, with the remaining population served by either Portland General Electric Co., Pacific Power & Light Co. or the Idaho Power Co.

Private utilities such as PGE and PP&L have not had access to cheap BPA hydropower since 1973, and must pay dividends to stockholders and earn a reasonable profit. This distinction, coupled with a need to invest in generation facilities to

6

On Nov. 7, Oregon voters will not only have the opportunity to vote for lower property taxes, but they will also vote on which way it will be done.

Ballot Measure 6, modeled after California's Proposition 13, would limit property taxes to 1.5 percent of the 1975-76 assessed value. This means commercial, vacation and residential property taxes would be slashed about 40 percent.

The alternative measure is a legislative proposal which would require the state to pay half of the property taxes for homeowners and renters, up to a \$1,500 limit.

The Legislature's alternative Measure 11 would not provide property tax relief for commercial or vacation property.

If both proposals pass, the one receiving the most "yes" votes will be adopted and the other repealed. Oregon voters, of course, may vote against both.

Measure 6 would also allow no more than a two percent increase in property taxes for inflationary adjustment. However, if a house changes ownership or a new construction is built, the property would be assessed on its current market value rather than the 1.5 tax adjustment.



7

Ballot Measure 7 would create a law consisting of a single sentence: "Notwithstanding any other provision of law, no agency of this state shall expend State monies for abortions or provide programs or services that promote abortion."

Measure 7 would not make abortions illegal — the U.S. Supreme Court already has ruled that women have the right to choose the abortion.

Nevertheless, those arguing for and against Ballot Measure 7 tend to line up according to their stand on abortion per se.

The state now finances abortions (under certain circumstances) for women who can't afford them. Federal matching funds are available in cases of rape or incest or where pregnancy would endanger the life or health of the mother.

The law should not require taxpayers opposed to

abortion to finance it, Measure 7 supporters say. Those who think poor women deserve financial or other assistance for abortions should form a private organization to accomplish that goal. Besides, proponents argue, poor women who can't afford to keep a newborn baby can make it available to the many people who want to adopt a child.

But Measure 7 would go beyond simply satisfying pro-lifers' opposition to abortion, opponents argue. The proposal would step state-funding — and federal financing, which requires state matching funds — for all abortions, including those performed to protect the mother's life or health, in cases of rape or incest or when a fetus is retarded or has major birth defects.

Opponents also argue that the expense to the state of prenatal care and delivery for welfare women is far greater than the cost of an abortion.

Finally, Measure 7 would deny abortions only to poor women, who then would be forced to seek dangerous illegal abortions, opponents maintain.

5

One election issue attracting a lot of money for its supporters and opponents is Ballot Measure 5, which

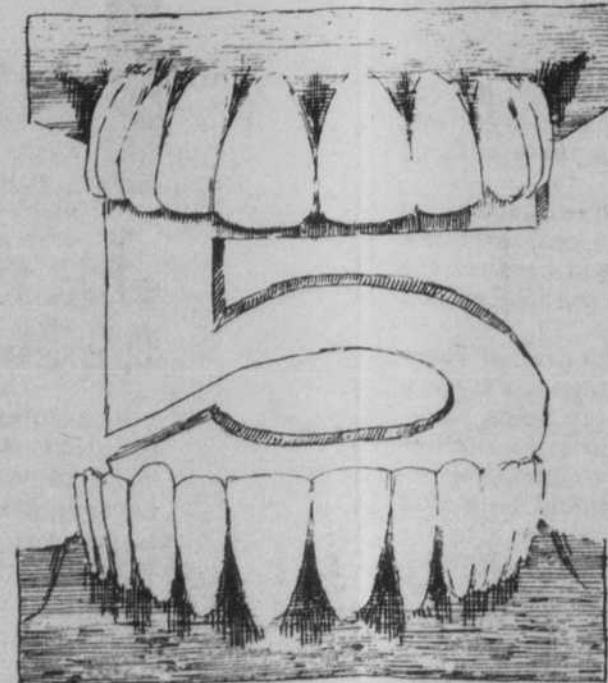
would make Oregon the first state to allow specially-trained technicians called "denturists" to make and sell false teeth.

Under present law, only licensed dentists may make, fit or repair dentures; denture work performed by dental technicians must be supervised by a dentist.

Ballot Measure 5 would make denturism a legal profession, by requiring applicants to pass a State Health Division test to become a denturist. To qualify for the test, a person would have to complete a two-year formal training program and have at least two years practical experience (or a six-month training course and six years experience to qualify before July, 1982).

The Health Division would regulate the practice of denturism with the advice of a denturist council consisting of three lay persons, two dentists and two denturists. After July, 1980, health insurance policies covering denture work performed by dentists also would be required to cover the same work performed by denturists.

To fit someone for new dentures, denturists first would be required to have a dentist's or doctor's written statement that the patient can wear den-



tures and that his or her mouth is free of disease.

Opponents of the measure argue that more is involved in selling false teeth than simply fitting and making dentures. Only dentists and physicians can examine properly a patient's oral tissue and bone structure for lesions, signs of cancer and other denture-related complications, they say.

Measure 5 would not even require a denturist to possess a high school diploma, opponents point out frequently. Furthermore, it prescribes no educa-

tional standards for denturists' assistants. A dentist, on the other hand, must have a college degree and complete four years of dental school to earn a license.

Proponents of denturism find much support in the rising cost of medical care. Dentists charge \$600-700 to fit false teeth, which denturists can do for \$250-300.

While the economic advantages of denturism to hard-pressed senior citizens are obvious, Measure 5 supporters say, legalized denturism also benefits consumers and contributes to stronger free enterprise. Dentists can charge twice as much for false teeth not because they are so well trained but because they possess a monopoly on the fitting of dentures. Breaking that monopoly would give denture purchasers a freedom of choice they don't have now.

Supporters also point out the educational requirements the measure would prescribe for denturists. They note that no evidence of low-quality dentures or special problems with mouth disease exists in British Columbia, where denturism is legal.

Measure 5 supporters, Citizens of Oregon for Denturism and the Yes On 5 Committee, reported contributions totaling \$43,162 on Oct. 17.

Oregonians Opposed to Non-Supervised Dentistry, an anti-Measure 5 group, reported contributions of \$323,809.

8

The twice repealed death penalty may return next year if Oregon voters will decide to reinstate capital punishment for crimes involving homicide.

Ballot Measure 8, if approved, would require a convicted murderer to be sentenced to death when a judge finds, beyond a reasonable doubt, that the person acted with forethought and a reasonable belief that the victim would die, and the judge must be convinced the murderer is a continuing threat to others.

The measure provides for a separate sentencing procedure by a judge for those convicted by jury trial. If the judge does not sentence the convicted person to death, a mandatory 25-year sentence without parole would be imposed. Under current law, there is no requirement that some minimum period of time be spent in prison for murder.

After the sentencing, according to the measure, the Oregon Supreme Court must review and approve it before capital punishment can be carried out.

The Committee for Reinstatement of Capital Punishment believes that a citizen's right to

safety is as important as a criminal's right to fair treatment.

The death penalty for certain types of murder would discourage other would-be murderers from killing (according to the supporters of Ballot Measure 8).

The Oregon Council Against the Death Penalty feels that there is no evidence that capital punishment deters murder, says Campaign Coordinator Simon Fitch. "An equally effective means of protecting society is to keep killers behind bars," he says.

According to Fitch, studies have shown that swiftness of apprehension and sureness of incarceration are more of a deterrent than the death penalty. "It is a false argument the proponents pose that if we don't kill them they will be out on the street... In 1977 the Legislature passed a law requiring minimum sentences of 20 or 30 years without parole for people convicted of aggravated murder but proponents of 8 conveniently forget to tell us about this," he explains.

Aggravated murder, according to the Oregon Penal Code, includes murder-for-hire, murder of prison guards and bombing. "So they won't be out on the street. They'll be in jail for a hell of a long time," Fitch says.