

Commentator wins right to withdraw ballot measure

By Stan Nelson
Of the Emerald

The Oregon Commentator has the right to remove a Commentator funding measure placed on the general elections ballot against its will, the Constitution Court ruled Wednesday.

Representatives of the Commentator argued the paper was being singled out without the paper's consent, and that being forced to go on the ballot to receive funding deprives the paper editorial control and discourages minority views.

The decision allows the paper to avoid a popularity contest at the elections, said Tom Mann, executive editor of the Commentator.

"It is ridiculous to say we would win," he said. Students would be voting on the basis of the paper's

content, and with the paper's minority view, he said it is obvious an approval of the measure by the majority could not be achieved.

The court's decision allows the Commentator to request direct funding from the Incidental Fee Committee.

ASUO President Lynn Pinckney argued the Commentator was being placed on the ballot to determine the level of student support of the paper.

After six hours of deliberation, a decision was reached, said Rich Walsh, a Constitution Court member. He called the decision one of the closest cases the court had ever heard.

The court applied a newly adopted test to determine the constitutionality of contested ballot measures, he said.

The test says the ASUO president and the IFC may place a measure on the general election ballot only to gather information concerning funding levels of the group. The court then weighs the burden placed on the affected program against the benefit of the information being gathered. Also, the language of the measure must reflect the purpose for which the measure is being placed on the ballot.

If one of the three criteria is not met, then the ballot attempt is invalidated.

In this case, the court ruled placing the paper on the ballot was a legitimate way to determine the level of student usage. However, the court found the Commentator would be less affected by other methods used to determine its usage level.

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Funding a majority-approved Athletic Department-sponsored measure will not deny students voting for the IFC-sponsored measure the 3 percent increase, he said. They will just receive an additional 42 percent increase, Walsh said.

Voelz says increased funding for the Athletic Department is necessary because women's athletics are being upgraded to a level comparable to men's sports as required by state and federal laws.

Women's athletics were upgraded at the University from the Northern Pacific Conference to the Pacific-10 Conference Jan. 1 this year for the 1986-87 school year. The move to the Pac-10, a league previously reserved for men's sports, will increase opportunity, travel and expenditures for women's athletics, Voelz said.

"Hard money" is needed to finance the expansion, Voelz said, adding that the entire amount of the Athletic Department funding measure will be spent on women's athletics.

If students vote to fund

women's athletics, the Athletic Department will in turn lower the student admission price to all University sporting events to \$1, Voelz said.

The revenue from ticket sales currently are not enough to fund women's sports to the level required by federal guidelines. If the measure fails, Voelz said the Athletic Department will be forced to decrease the number of tickets allotted to students or increase student admission prices.

"We are not trying to ramrod the students of undercut them. . . If you want more, you are going to have to pay for more," she said.

The primary difference between the Athletic Department funding measure and the IFC's opposing measure besides the dollar amount is the IFC's provision for preferred student

seating arrangements at athletic events.

The Athletic Department's measure makes no provision for seating arrangements, which until this year had been negotiated with the IFC during the budget hearing process.

But Voelz said students will continue to be allotted 6,000 football tickets and nearly 3,800 men's basketball tickets for home games.

James Randall, IFC chairman, said that without negotiations for student seating arrangements, students will no longer have prime seating for athletic events.



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