



METRO

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Portland, OR 97201-5398
(503) 221-1646
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*Common
charter
conespo.*

September 10, 1991

Executive Officer
Rena Cusma

Metro Council

Tanya Collier
Presiding Officer
District 9

Jim Gardner
Deputy Presiding
Officer
District 3

Susan McLain
District 1

Lawrence Bauer
District 2

Richard Devlin
District 4

Tom DeJardin
District 5

George Van Bergen
District 6

Ruth McFarland
District 7

Judy Wyers
District 8

Roger Buchanan
District 10

David Knowles
District 11

Sandi Hansen
District 12

**Elections Division
Room 141 State Capitol
Salem, OR 97310**

Please send one copy of the initiative petition proposing a constitutional amendment regarding barring new taxes and tax increases without prior approval, as stated in the attached.

A check in the amount of \$1.00 is enclosed.

Thank you,

**Jennifer Sims
Director of Finance and
Management Information**

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Attachments



DRAFT HANDED *100* *W/* *10/1*

OFFICE OF THE SECRETARY OF STATE

NEWS RELEASE
For Immediate Release:
September 3, 1991

PHIL KEISLING
Contact: Colleen Sealock
378-4144

The Office of the Secretary of State has received a DRAFT ballot title from the Attorney General for an initiative petition proposing a constitutional amendment.

The draft ballot title is as follows:

RECEIVED
SEP 05 1991
METRO SERVICE DISTRICT
EXECUTIVE MANAGEMENT

BARS NEW TAXES AND TAX INCREASES

WITHOUT PRIOR VOTER APPROVAL

QUESTION: Shall the Oregon Constitution bar new state and local taxes and tax increases without prior voter approval?

SUMMARY: Amends Oregon Constitution. Bars new state or local taxes, tax increases without prior voter approval. New taxes or tax increases enacted without voter approval between September 1, 1991, and measure's effective date must receive voter approval by December 1, 1994, or be rescinded January 1, 1995. Applies to license charges, certain fees, not fines or forfeitures. Fees, license charges may increase with inflation. Allows four non-school tax elections every two years. Legislature may override by three-fourths vote in emergency. Enforceable by private lawsuit.

Chief Petitioner(s): Alvin E. Mobley, 9150 SW Pioneer Ct., Ste W, Wilsonville, OR 97070; Mike A. Wiley, 9150 SW Pioneer Ct., Ste W, Wilsonville, OR 97070; Joe P. Lutz, 83 Centennial, Ste C, Eugene, OR 97401.

Copies of the text of this initiative are available at Room 141, State Capitol for \$.15 prepaid. Written requests for copies with your remittance of \$1.00 should be addressed to ELECTIONS DIVISION, ROOM 141 STATE CAPITOL, SALEM, OREGON 97310.

There now follows an appeal period of 10 business days during which any citizen may submit written comments which address the specific legal standards a ballot title must meet to the Secretary of State's office. This period ends September 17, 1991.

The Secretary of State will deliver all written comments to the Attorney General. The Attorney General shall certify either the draft ballot title or a revised ballot title not later than the fifth business day after receiving the comments from the Secretary of State.

In addition, during this ballot title comment period, the Secretary of State will also seek statements from interested persons regarding whether or not a proposed initiated measure complies with the one-subject-only rule. The Secretary will consider the information provided in the statements received from interested persons, but is not legally obligated to rely on its conclusions. If you wish to comment, this period ends September 17, 1991.

Any elector dissatisfied with the ballot title certified by the Attorney General, and who timely submitted written comments which addressed the specific legal standards a ballot title must meet, may petition the Supreme Court seeking a different title. This appeal must be filed not later than the 10th business day after the Attorney General certifies a ballot title to the Secretary of State.

The required number of signatures for placement on the 1992 general election ballot is 89,028 and shall be filed in this office not later than July 3, 1992.

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INSTRUCTIONS

FOR CIRCULATORS

- A petition circulator must be an elector of the state, however does not have to be an elector of the district.
- Only electors may sign a petition.
- Do not use ditto marks.
- It is advisable to use a pen or indelible pencil for signing petitions.
- Only one circulator may collect signatures on any one sheet of a petition.
- All signers on any one sheet of a petition must be electors of the same county.
- The signature sheet affidavit must be completed for each sheet by the circulator of that sheet.
- It is unlawful for a person circulating a petition to knowingly make any false statement to any person who signs it or requests information about it.
- It is unlawful to circulate or file a petition knowing it to contain a false signature.

FOR SIGNERS

- Only electors may sign a petition.
- Do not use ditto marks. RECEIVED
- Sign your full name, as you did when you registered to vote, and fill in the date on which you signed the petition, your residence address and your precinct in the spaces provided.
- If your signature is difficult to read, print your name clearly in the space provided. SECRET OF STATE
- It is unlawful to sign any person's name other than your own. Do not sign another person's name under any circumstances.
- A woman should sign her own name, not her husband's or her husband's initials: for example, "Mary A. Jones", not "Mrs. John A. Jones."
- It is unlawful to sign a petition more than once.
- It is unlawful for a person to knowingly sign a petition when not qualified to sign it.

PROSPECTIVE PETITION

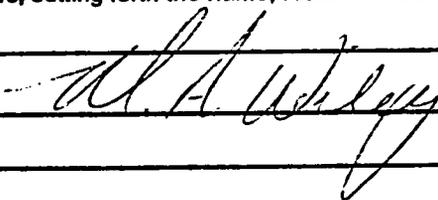
FOR STATEWIDE () INITIATIVE () REFERENDUM MEASURE

To the Secretary of State:

We, the undersigned, request the Attorney General prepare a ballot title for the attached proposed measure to be submitted to the people of Oregon for their approval or rejection at the election to be held on Nov. 3, 1992.

DESIGNATING CHIEF PETITIONERS

Every petition shall designate not more than three persons as chief petitioners, setting forth the name, residence address and title (if officer of sponsoring organization) of each.

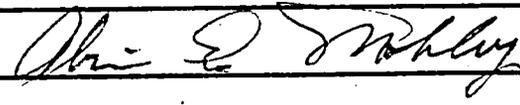
1. NAME (PRINT) Mike A. Wiley SIGNATURE 

Residence address _____

Mailing address (if different) 9150 SW Pioneer Ct. Ste W

City, state, zip code Wilsonville, OR 97070 Telephone () 503-682-0653

(Sponsoring organization, if any) Oregon Citizens Alliance PAC

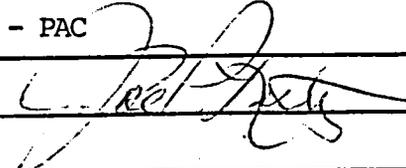
2. NAME (PRINT) Alvin E. Mobley SIGNATURE 

Residence address _____

Mailing address (if different) 9150 SW Pioneer Ct. Ste W

City, state, zip code Wilsonville, OR 97070 Telephone () 503-682-0653

(Sponsoring organization, if any) Oregon Citizens Alliance - PAC

NAME (PRINT) Joe P. Lutz SIGNATURE 

Residence address _____

Mailing address (if different) 83 Centennial Ste C

City, state, zip code Eugene, OR 97401 Telephone () 503-682-0653

(Sponsoring organization, if any) Oregon Citizens Alliance - PAC

AN ACT

Be it Enacted by the People of the State of Oregon:

PARAGRAPH 1. The Constitution of the State of Oregon is amended by creating a new Section 32a in Article I to read:

SECTION 32a. People's right to approve all taxes. Notwithstanding any other provision of this Constitution, the right to approve all taxes is vested in the People as follows:

- Aug 26 11 03 AM '91
PHIL NEISLING
September 1991
- (1) No new tax shall be levied and no tax or tax rate shall be increased, by the state or by any local government or taxing unit, unless such tax or tax increase is first approved by voters.
 - (2) Any state or local tax or tax increase enacted without voter approval after September 1991 and before this Section takes effect must be approved by voters by 1 December 1994, or such tax or tax increase shall be rescinded effective 1 January 1995.
 - (3) Any elimination or reduction of tax deductions, exemptions, or credits shall be considered a tax increase for the purposes of this Section. Any extension of an expiring tax shall be considered a tax increase for the purposes of this Section.
 - (4) Fees and license charges shall be considered taxes for the purposes of this Section. Fines and forfeitures for violations of law are exempt from the provisions of this Section. User fees are exempt from the provisions of this Section if the service involved is not monopolized by government and is also provided by the private sector.
 - (5) An increase in a fee or license charge is exempt from the provisions of this Section if the percentage increase is not greater than the percentage increase in the cost-of-living since the amount was last set.
 - (6) New taxes or increases may only be submitted to voters at one of the following election dates: the primary election in an even-numbered year, the general election in an even-numbered year, and up to two election dates, designated by law, in odd-numbered years. Elections for public school tax bases, public school bond measures, or public school operating levies are exempt from the provisions of this subsection.
 - (7) A government may combine requests for multiple tax and fee changes in a single ballot question. Such a combined request shall be considered to embrace one subject.
 - (8) This Section shall not restrict changes in government tax revenue due to changes in income, population, property values, or other demographic or economic factors.
 - (9) In the event of a public emergency, the Legislative Assembly may override this Section to enact particular immediate emergency taxes by a three-fourths vote in each house. Any taxes enacted by such action shall be specifically designated for the public emergency and shall be in effect not longer than twelve months. Revenue from such a tax in excess of the amount required by the emergency shall be returned to the People in a timely manner. During any such emergency, this Section shall remain in effect for all other taxes.

PARAGRAPH 2. SEVERABILITY. If any part of this Act is held to be invalid for any reason, then the remaining parts shall not be affected but shall remain in full force and effect.

PARAGRAPH 3. CONFLICTS WITH OTHER BALLOT MEASURES. If there is an irreconcilable conflict between any provision in this measure and a provision in any other measure amending the Oregon Constitution and passed at the same election, then the provision contained in the measure receiving the highest number of affirmative votes shall prevail.

PARAGRAPH 4. STANDING. Any person residing in Oregon or non-profit entity doing business in Oregon has standing to bring suit to enforce this measure.