



OFFICE OF THE SECRETARY OF STATE

NEWS RELEASE

BILL BRADBURY

For Immediate Release:
September 28, 2006

Contact: Summer Davis
Elections Division
(503) 986-1518

The Office of the Secretary of State received a certified ballot title from the Attorney General on September 27, 2006, for initiative petition #40, proposing a statutory amendment, for the General Election of November 4, 2008.

In addition, Secretary of State Bill Bradbury determined that the proposed initiative petition was in compliance with the procedural requirements established in the Oregon Constitution for initiative petitions.

The certified ballot title is as follows:

CREATES MANDATORY MINIMUM PRISON SENTENCES FOR CERTAIN THEFT, IDENTITY THEFT, FORGERY, DRUG, AND BURGLARY CRIMES

RESULT OF "YES" VOTE: "Yes" vote creates mandatory minimum prison sentences for certain crimes, including burglary, forgery, theft, manufacture/delivery of methamphetamine, heroin, cocaine, or methylenedioxymethamphetamine, under specified circumstances.

RESULT OF "NO" VOTE: "No" vote retains current law, which does not require that persons convicted of the crimes specified in the measure serve mandatory minimum prison sentences.

SUMMARY: Measure creates mandatory minimum prison sentences for specified crimes for which current law does not require mandatory minimums. Requires 36-month minimums for identity theft, first degree burglary, and Class A felony manufacture/delivery of methamphetamine, heroin, cocaine, or methylenedioxymethamphetamine; 30-month minimums for Class B felony manufacture/delivery of same specified controlled substances. For offenders with one or more prior felony convictions, or two or more prior misdemeanor convictions, measure requires 18-month minimums for first degree forgery, motor vehicle theft; 14-month minimums for first degree theft, second degree burglary. Prohibits reductions in sentences required by measure. Sentences must be served in state prisons, not in county jails. State must reimburse counties for pretrial incarceration costs for persons sentenced under measure. Other provisions.

Chief Petitioner(s): Duane Fletchall, 4262 Bison Ct NE, Salem, OR 97305, Steve Beck, PO Box 261, Wilsonville, OR 97070 and Kevin L. Mannix, 2007 State St, Salem, OR 97301.

Copies of the text of this initiative are available at Room 141 State Capitol, for \$.50. Written requests for copies with your remittance of \$1.00 prepaid, should be addressed to: Elections Division, Room 141 State Capitol, Salem, OR 97310-0722.

There now follows an appeal period of 10 business days. Any elector dissatisfied with the ballot title certified by the Attorney General, who also submitted in a timely manner written comments which addressed the specific legal standards a ballot title must meet, may petition the Supreme Court for a different title. The appeal period ends at 5:00 p.m. on October 11, 2006. The appeal procedures are outlined in ORS 250.085.

The required number of signatures for placement on the 2008 general election ballot is determined by the total votes cast for all candidates for governor at the 2006 general election. These signatures shall be filed in this office not later than July 3, 2008.

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DEPARTMENT OF JUSTICE
APPELLATE DIVISION

September 27, 2006

John Lindback
Director, Elections Division
Office of the Secretary of State
141 State Capitol
Salem, OR 97310

RECEIVED
2006 SEP 27 PM 3:33
BILL BRADBURY
SECRETARY OF THE STATE

Re: Proposed Initiative Petition — Creates Mandatory Minimum Prison Sentences For
Certain Theft, Identity Theft, Forgery, Drug, And Burglary Crimes
DOJ File #BT-40-06; Elections Division #40

Dear Mr. Lindback:

Duane Fletchall, one of the chief petitioners for the above-referenced proposed measure, submitted the one comment received on the draft ballot title for the proposed measure. We have reviewed that comment and amended the draft ballot title in response. This letter summarizes the comment, our response to it, and the reasons that we changed the draft ballot title.

Mr. Fletchall suggests two changes to the draft ballot title. First, he recommends that the word “offenses” be changed to “crimes” throughout the draft ballot title because “there is a wide range of ‘offenses’ in this state, which includes non-criminal activity.” Because the proposed measure only covers criminal offenses, Mr. Fletchall suggests that it would be more accurate to refer to those offenses as “crimes” in the ballot title. We agree that changing the word “offenses” to “crimes” would provide a helpful clarification regarding the scope of the proposed measure, and have amended the draft ballot title accordingly.

Mr. Fletchall next suggests that the “yes” result statement and the summary should be amended to state that the manufacture and delivery of methamphetamine is one of the specific controlled substance offenses to which the measure applies. We disagree. Doing so would put undue emphasis on the fact that the measure applies to methamphetamine offenses, which we believe would constitute inappropriate advocacy for the measure.

Nonetheless, we do agree that it would be helpful to the voters to know precisely which controlled substance offenses are covered by the measure. Accordingly, because we were able to find additional word space by making non-substantive changes to the “yes” result statement and to the summary, we have amended both to identify the specific controlled substance offenses covered by the measure: manufacture/delivery of methamphetamine, heroin, cocaine, or methylenedioxymethamphetamine.

September 27, 2006

Page 2

As revised, we believe that the ballot title clearly and accurately summarizes the effects of the proposed measure. For the foregoing reasons, we certify the attached ballot title under ORS 250.067(2).

Sincerely,

Erin C. Lagesen
Assistant Attorney General

ECL:mlk/APP98811

Enclosure

c: Peter Shepherd, Deputy Attorney General
Don Arnold, General Counsel Division
Steve Wolf, General Counsel Division

Duane Fletchall
4262 Bison Court NE
Salem, Oregon 97305

Steve Beck
P.O. Box 261
Wilsonville, Oregon 97070

BALLOT TITLE

**CREATES MANDATORY MINIMUM PRISON SENTENCES FOR
CERTAIN THEFT, IDENTITY THEFT, FORGERY, DRUG, AND
BURGLARY CRIMES**

RESULT OF "YES" VOTE: "Yes" vote creates mandatory minimum prison sentences for certain crimes, including burglary, forgery, theft, manufacture/delivery of methamphetamine, heroin, cocaine, or methylenedioxymethamphetamine, under specified circumstances.

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