

Duane Fletchall  
4262 Bison Court NE  
Salem, OR 97305

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SECRETARY  
OF THE STATE

August 30, 2006

Summer Davis  
Compliance Specialist, Elections Division  
Office of the Secretary of State  
141 State Capitol  
Salem, OR 97310

Re: Proposed Initiative Petition #40

Dear Ms. Davis:

Please accept this letter as my response, as an elector and as a Chief Petitioner on this initiative petition, to the inquiry about procedural constitutional requirements.

It is my view that the proposed initiative complies with procedural constitutional and statutory requirements for an initiative petition.

Thank you for your consideration.

Sincerely,

Duane Fletchall

Cc Steve Beck, Chief Petitioner

conditional and statutory requirements for an initiative petition  
It is my view that the proposed initiative complies with procedural

constitutional requirements

petitioner on this initiative petition, to the inquiry about procedural  
please accept this letter as my response as an elector and as a Chief

Duane Fletchall  
4262 Bison Court NE  
Salem, OR 97305

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2006 SEP -5 AM 10:44

SECRETARY  
OF THE STATE

August 30, 2006

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

Re: Proposed Initiative Petition - Creates Mandatory Minimum Prison Sentences  
for Certain Theft, Identity Theft, Forgery, Drug, and Burglary Offenses  
DOJ File #BT-40-06; Elections Division #40

Dear Mr. Lindback:

Please accept this letter as my response, as an elector and as a Chief Petitioner on  
this initiative petition, to the draft ballot title presented to you by the Attorney  
General.

I recommend that the draft ballot title be modified so that it is better understood  
and better reflects the contents and effect of the proposed measure.

In the caption, I recommend that the word "offenses" be changed to the word  
"crimes." This is because there is a wide range of "offenses" in his state, which  
includes non-criminal activity. It is more correct and definitive to use the word  
"crimes" in the caption as this measure does not cover non-crimes which may still  
be classified as "offenses."

This concept also applies to my recommended changes as to the RESULT OF "YES"  
VOTE and the RESULT OF "NO" VOTE.

I recommend that the statement as to the RESULT OF "YES" VOTE be modified to  
substitute the word "crimes" for the word "offenses" but also to specifically include  
reference to methamphetamine, which is a key element of this measure. This can  
be accomplished by rewording the RESULT OF "YES" VOTE to read as follows:

"RESULT OF "YES" VOTE: "Yes" vote creates mandatory minimum sentences  
for conviction of crimes, including burglary, forgery, theft,  
manufacture/delivery of controlled substances, including methamphetamine,  
under specified circumstances."

The RESULT OF "NO" VOTE section needs only be changed to substitute the word  
"crimes" for "offenses."

John Lindback  
Page 2  
August 30, 2006

I recommend that the SUMMARY be modified to substitute the word "crimes" for the word "offenses" in the first sentence.

Also, within the statutory 125-word limitation, it is possible to specify methamphetamine when referring to controlled substances. The SUMMARY should be revised to read as follows:

"SUMMARY: Measure creates mandatory minimum prison sentences for specified crimes for which current law does not require mandatory minimum sentences. Requires 36-month minimums for Class A felony manufacture/delivery of methamphetamine, and controlled substances, identity theft, and first-degree burglary; 30-month minimums for Class B felony manufacture/delivery of methamphetamine, certain 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."

Thank you for your consideration.

Sincerely,

Duane Fletchall

Cc Peter Shepherd, Deputy Attorney General  
Don Arnold, General Counsel Division  
Steve Wolf, General Counsel Division  
Steve Beck, Chief Petitioner