



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 #41, proposing a constitutional 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:

AMENDS CONSTITUTION: ALLOCATES 15% OF LOTTERY PROCEEDS TO PUBLIC SAFETY FUND FOR CRIME PREVENTION, INVESTIGATION, PROSECUTION

RESULT OF "YES" VOTE: "Yes" vote amends constitution to allocate 15% of lottery proceeds to public safety fund; reduces percentage of funds available for other lottery-funded programs.

RESULT OF "NO" VOTE: "No" vote retains current list of authorized purposes for spending lottery proceeds; rejects amending the constitution to allocate specific percentage of proceeds for public safety.

SUMMARY: Amends constitution. Constitution currently apportions lottery proceeds to create jobs, further economic development, finance public education. In addition to those uses, measure requires 15% of net lottery proceeds deposited in public safety fund. 50% of fund moneys are distributed to counties for grants for the following: 20% for early childhood programs for at-risk children; 15% to supplement district attorney operations; 15% to county sheriffs' investigation, field operations. Allocates grants to county under formula: 30% divided equally on per-county basis, 70% divided on population basis. Measure dedicates 50% of proceeds to state police criminal investigation, forensic operations. Measure prohibits legislature from limiting expenditures from fund. Funds to prosecution, sheriffs not a substitute to existing funds. Other provisions.

Chief Petitioner(s): Duane Fltechall, 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 \$.25. 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

RECEIVED
2006 SEP 27 PM 3:34
BILL BRADBURY
SECRETARY OF THE STATE

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

Re: Proposed Initiative Petition — Amends Constitution: Allocates 15% Of Lottery Proceeds To Public Safety Fund For Crime Prevention, Investigation, Prosecution
DOJ File #BT-41-06; Elections Division #41

Dear Mr. Lindback:

We have reviewed the comments submitted in response to the draft ballot title for the above-referenced prospective initiative petition. We provide the enclosed certified ballot title for the proposed measure, reflecting a change to the summary.

This letter summarizes comments we received, our responses to those comments, and the reasons we declined to make some of the changes. ORAP 11.30(7) requires this letter to be included in the record in the event that the Oregon Supreme Court reviews this ballot title.

A. The “Yes” Result Statement

The draft “yes” result statement reads as follows:

RESULT OF “YES” VOTE: “Yes” vote amends constitution to allocate 15% of lottery proceeds to public safety fund; reduces percentage of funds available for other lottery-funded programs.

Petitioner contends that the “yes” vote statement states “the obvious” because anytime that money is dedicated to one fund, it necessarily reduces money available for other programs. Petitioner suggests instead that the “yes” statement focus exclusively on the programs that the 15% of the lottery proceeds would fund.

While stating that the measure would reduce funds available for other lottery-funded programs may state “the obvious,” that reduction is one of the direct results of the measure. The Attorney General is required to include the direct results of the measure in the result statements. See ORS 250.035(2)(b) (The “yes” vote result statement must contain a “simple and understandable statement of not more than 25 words that describes the result if the * * * measure is approved.”); cf. *Novick v. Myers*, 333 Or 12, 17, 35 P3d 1017 (2001) (holding that the “yes”

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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

result statement that failed to mention the decrease in other funding – a direct result of the measure – does not substantially comply with ORS 250.035(2)(b)). We therefore decline to alter the “yes” result statement to omit one of the direct results of the measure.

B. Summary

The draft ballot title contained the following summary:

SUMMARY: Amends constitution. Constitution currently allocates lottery proceeds to create jobs, further economic development, finance public education. Measure requires 15% of net lottery proceeds to be deposited in public safety fund. 50% of fund moneys are distributed to counties to fund grants for the following: 20% for early childhood programs for at-risk children, 15% to supplement district attorney operations, 15% to county sheriffs’ investigation, field operations. Allocates grants to county under formula: 30% divided equally on per-county basis, 70% divided on population basis. Measure dedicates 50% of proceeds to Oregon State Police criminal investigation, forensic operations. Measure prohibits legislature from limiting expenditures from the fund. Funds to prosecution, sheriffs not a substitute to existing funds. Other provisions.

Petitioner contends that the summary should be altered to make it clear that the measure does not eliminate the current categories of lottery funding, but rather adds a category for public safety. We agree, and have altered the summary accordingly.

As modified, the certified summary reads:

SUMMARY: Amends constitution. Constitution currently apportions lottery proceeds to create jobs, further economic development, finance public education. In addition to those uses, measure requires 15% of net lottery proceeds deposited in public safety fund. 50% of fund moneys are distributed to counties for grants for the following: 20% for early childhood programs for at-risk children; 15% to supplement district attorney operations; 15% to county sheriffs’ investigation, field operations. Allocates grants to county under formula: 30% divided equally on per-county basis, 70% divided on population basis. Measure dedicates 50% of proceeds to state police criminal investigation, forensic operations. Measure prohibits legislature from limiting expenditures from fund. Funds to prosecution, sheriffs not a substitute to existing funds. Other provisions.

For the reasons stated above, we have made changes to the draft ballot title. We certify the attached ballot title pursuant to ORS 250.067(2).

Sincerely,

Anna M. Joyce

BALLOT TITLE

**AMENDS CONSTITUTION: ALLOCATES 15% OF LOTTERY
PROCEEDS TO PUBLIC SAFETY FUND FOR CRIME PREVENTION,
INVESTIGATION, PROSECUTION**

RESULT OF "YES" VOTE: "Yes" vote amends constitution to allocate 15% of lottery proceeds to public safety fund; reduces percentage of funds available for other lottery-funded programs.

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