

REVENUE: No revenue impact

FISCAL: Fiscal statement issued

Action:	Be Adopted as Amended and Be Printed Engrossed
Vote:	6 - 1 - 0
Yeas:	Berger, Buckley, Esquivel, Hunt, Roblan, Rosenbaum
Nays:	Thatcher
Exc.:	-
Prepared By:	Jim Stembridge, Administrator
Meeting Dates:	3/26, 3/28

WHAT THE MEASURE DOES: Upon approval by voters at the November 2008 general election, amends the Oregon constitution to eliminate the double-majority requirement for local property tax measures in May and November elections.

ISSUES DISCUSSED:

- Ballot Measures 47 (1996) and 50 (1998) provisions
- So-called “sneak” elections in the days prior to vote-by-mail, election-date limitations, voter registration system
- Public service plans and financing requests defeated by the double-majority requirement
- Instances of elections where measures passed by large majorities of voters voting but failed due to the double-majority requirement appearing to reward voter-apathy
- Instances of elections where the measure would have passed if all the voters needed to meet the majority-voting requirement had voted “no”; the appearance that non-voters have more power than “no” voters
- Expense of submitting measures for a second vote
- Why jurisdictions choose elections that require the double-majority
- Local efforts to purge voter registration lists and discourage new-voter registration
- Previous efforts to repeal double-majority; compromise plans that would keep double-majority in some elections

EFFECT OF COMMITTEE AMENDMENT: Changes referral to November 2008 general election.

BACKGROUND: Oregon’s 1996 Ballot Measure 47 (also 1998’s Ballot Measure 50) included provisions requiring a fifty percent voter turnout for property-tax measures proposed by schools and other local governments. The provision requires a “double majority”—more than fifty percent of voters voting, and more than fifty percent of ballots in favor of the measure.

Opponents of the double majority say it gives more power to nonvoters than voters have, because there are circumstances under which, paradoxically, a “no” vote would help a measure to pass. Proponents of the double majority view it as simply a quorum rule. The double majority requirement for tax measures, they say, still allows a minority—twenty-five percent plus one—of eligible voters to impose their will on the majority. Quorum requirements are standard throughout our political system, they say, for example, to conduct business in the Oregon Senate, 20 of 30 senators must be present; in the Oregon House, 40 of 60 representatives.

According to the Legislative Revenue Office, a 2004 League of Oregon Cities report provides property tax election data on municipal tax ballots submitted to voters between 1997 and 2003. Of 936 tax ballots, 122 failed due to the double majority requirement. Of the 122 failed measures, 61 would have passed if the 50 percent turnout requirement had been satisfied, even if all of the additional voters needed to satisfy this turnout requirement had voted no. School districts were granted local option tax authority beginning in 1999. Of the 64 school local option elections from 1999 through May 2004, 43 failed. Of these 43, three failed due to lack of voter turnout.

Ballot Measure 53 (May 1998), a legislative referral to eliminate the double majority, failed with 48.7 percent “yes” to 51.3 percent “no”.

4/2/2007 12:55:00 PM

This summary has not been adopted or officially endorsed by action of the committee.