

Dear Senators Burdick, Baertschiger Jr, Boquist, Dembrow and Roblan:

I am writing to voice my opposition to SB 368.

County clerks should **NOT** be empowered to disqualify measures from the ballot on the basis of a separate-vote test, for many reasons:

1. Separate-vote analysis is a complex legal inquiry that is beyond the capability of most, if not all, county clerks, who are typically not lawyers. Opinions of the Oregon Supreme Court applying the separate-vote test to proposed amendments to the Oregon Constitution typically occupy dozens of pages of text.
2. There is no separate-vote requirement for county charter amendments in the Oregon Constitution.
3. Adding a separate-vote requirement for county charter amendments by mere statute would violate several provisions of the Oregon Constitution, including:
 - Article III, §1, which prohibits interference by one branch of government into the other branches (separation of powers), which assures the governance system has checks and balances.
 - Article I, § 8, which prohibits interference with freedom of speech, which includes petitioning and making issues the subject of widespread public attention.
 - Article I, § 26, which prohibits interference with freedom of assembly and the right to petition government for redress.
 - Article II, § 18(8), which prohibits the Legislature "in any way to limit the initiative and referendum (I&R) powers reserved by the people," thus protecting individual rights to participate in legislative functions secured by Article VI, § 10.
 - The First Amendment to the U.S. Constitution, which protects freedom of speech and assembly.
 - The Fourteenth Amendment to the U.S. Constitution, which requires due process of law. (SB 368 would allow county clerks to disqualify measures from the ballot on separate-vote grounds, without providing prior notice to anyone or conducting any sort of hearing or process; this would violate Due Process requirement.

As a registered voter in Oregon and strong supporter of community rights to local self-government as provided for in our State and U.S. Constitutions, **I strongly urge you to oppose passage of SB368.** Thank you.

Sincerely,
Brenda C. Kluhsman, PhD

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