

## **Testimony in opposition to SB 368**

Senate Rules Committee

February 11, 2019

Chair Burdick and Members of the Committee,

My name is Thomas Pott, and I oppose SB 368, which would establish a separate-vote requirement for county charter amendments, and require the review prior to starting signature gathering.

I oppose SB 368 because a separate-vote requirement for county charter amendments is unconstitutional. There is no separate-vote requirement for county charter amendments in the Oregon Constitution. And adding a separate-vote requirement for county charter amendments via statute would violate several provisions of the Oregon Constitution, including:

1. 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.
2. Article I, § 8, which prohibits interference with freedom of speech, which includes petitioning and making issues the subject of widespread public attention.
3. Article I, § 26, which prohibits interference with freedom of assembly and the right to petition government for redress.
4. 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.
5. The First Amendment to the U.S. Constitution, which protects freedom of speech and assembly.
6. 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 requirements.)

Please join me in opposing SB 368.

Thank you!

Thomas Pott

PO Box 1648

Gold Beach, OR

97441