



To: Senate Committee On Rules
From: William Vollmer on behalf of Act for Democracy
Re: Hearing regarding SB261, SB262, SJR3, and SJR4 on March 18, 2021

Act for Democracy, a member of the Consolidated Oregon Indivisible Network (COIN), is a nonprofit, grassroots organization based in Portland that seeks to promote progressive legislation and issues. Although not a member-based organization per se, over 1000 individuals subscribe to our weekly newsletter.

We are writing this memo in support of SJR4, which would change the quorum rules for the Legislature. At this point we are taking no position pro or con on SB261, SB262, and SJR3.

We believe firmly that, in a democracy, majority rules. While we strongly support and encourage legislation that has strong bipartisan support, we view as fundamentally undemocratic a system in which a minority of legislators can forcibly impose their will on the majority.

Six times since 2019, the Republican minority has chosen to walk out of the legislature in order to deny the legislature the 2/3 majority it needs (per the Oregon Constitution) to conduct business. These actions were taken five times during the 2019 and 2020 legislative sessions to prevent passage of bills they opposed, and once this year to protest the Governor's covid restrictions and vaccination priorities. This is more times than the walkout has been used in the previous 162 years since Oregon gained statehood and thus, we believe, represents a use of this measure not intended by the framers of our state Constitution. This forcible imposition of the will of the minority on the voters is especially anti-democratic given that Democrats hold three-fifths supermajorities in both the House and the Senate and they hold every state office (i.e., Democrats represent a large majority of voters in the state).

We believe that walking out on the job represents a gross dereliction of duty and an insult to Oregon voters. Hundreds of bills died as a result of Republicans' walkouts in 2019 and 2020, including bills to restore forest health, to fund homeless shelters, to increase transparency in government, to expand community mental health treatment, to trim tax breaks for wealthy investors (<https://www.oregonlive.com/politics/2020/03/20-bills-that-died-in-oregon-legislature-after-republicans-walked-out.html>).

Opponents to these bills claim that Republicans are not doing anything different than Democrats have done in the past. While it is true that Democrats have conducted walkouts, they have used this tactic far less frequently and for much more substantial reasons. In 2001, Democrats walked out in protest over Republican efforts to redraw district lines and by-pass the governor approval process required by Oregon's Constitution. In other words, they walked out over Republican's efforts to break the law in order to gerrymander district boundaries. In 1975, Democrats walked out over Republicans' refusal to ratify the US Constitution granting 18-year-olds the right to vote.

(<https://www.statesmanjournal.com/story/news/2019/06/20/oregon-legislators-minority-often-use-walkouts-leverage-senate-republicans/1516995001/>)

Republicans also claim that Democrats in the legislature are leaving them out of committee meetings, meetings with the Governor, and even preventing them from speaking on the floor. These claims are untrue. In fact, the 2020 version of the Clean Energy Jobs Bill (cap and trade) had many changes made to it over the 2019 version of the bill to accommodate Republicans, so many changes that many Democrats could barely support it anymore. And yet, Republicans still walked out over this version of the bill they so severely weakened, killing it and hundreds of other bills in the process.

In summary, the recent use of walkouts as employed by the GOP represents a strategic and unprecedented use of this tactic that is inherently anti-democratic and that compromises the ability of the legislature to carry out its responsibilities. This cannot continue if we are to have effective and democratic governance in this state.

Of the four bills before the Rules Committee regarding this matter, we believe the most crucial is SJR4, which would change the quorum requirement in the Oregon Constitution from 2/3 members of each chamber to a simple majority. We believe that this measure, if passed by the voters, would eliminate the need for the other three measures.

While opponents of SJR4 would argue that it allows a simple majority to impose its will on the voters, we would note that Oregon is one of only five states in the nation that require more than a simple majority for a quorum. In the end it comes down to whether one believes that, in a democracy, majority should be allowed to rule or a minority is allowed to rule.