

**Measure 31**  
*Election Law Changes*  
No position

**Measure 32**  
*Mobile Homes*  
No position

**Measure 33**  
*Medical Marijuana Law Revision*  
No position

**Measure 34**  
*Tillamook Forest Management*  
Vote Yes

**Measure 35**  
*Medical Malpractice Cap*  
Vote No

**Measure 36**  
*Legal Definition of Marriage*  
No Position

**Measure 37**  
*Property Rights Compensation*  
Vote No

**Measure 38**  
*Abolishment of SAIF*  
Vote No

Additional copies of the Ballot Measure Guide are available for a suggested donation of \$1 per copy. To order, call (503) 221-1054, or you may download the guide at [www.emoregon.org/publicpolicyadvocacy.htm](http://www.emoregon.org/publicpolicyadvocacy.htm).

## Why offer a ballot measure guide?

This guide to ballot measures for the Nov. 2, 2004, statewide general election in Oregon is provided by the board of directors and the Public Policy Committee of Ecumenical Ministries of Oregon (EMO) as an educational resource. It is designed to serve congregations, faith communities, civic groups and individuals seeking to examine the social, economic and political relationship of each measure to the quest for just social structures that support a life of possibility for all Oregonians.

The production of this guide follows a tradition established by one of EMO's predecessor bodies—the Oregon Council of Churches—over 30 years ago, and continued by EMO today. EMO is a statewide association of 17 Christian denominations working together to respond to the needs of Oregonians. This response is based on EMO's commitment, reflected in its programs, to four streams of ministry: theological education and dialogue, community ministry, public policy advocacy environmental ministry.

The primary responsibility for research and preparation of this guide rests with EMO's staff. EMO's position statements reflect a vote of EMO's board of directors based on the recommendations of its committees.

### EMO Membership Consensus

As with most issues in society, we do not have consensus on every item, but we come together to weigh important issues. We also do not forget the points of view represented throughout the spectrum of faith communities that make up our membership. We ask that you prayerfully consider the wisdom of your own tradition and your own process of discernment in exercising your civic duty.

The Roman Catholic Archdiocese of Portland and the Greek Orthodox Church abstained from EMO's deliberations regarding the November ballot measures. The Roman Catholic Archdiocese releases all public policy

statements through the Oregon Catholic Conference.

### Contents of the Guide

EMO's ballot measure analysis and positions are intended to supplement a key resource available to all voters in Oregon, the state Voters' Pamphlet. The pamphlet provides information on candidates and issues before voters.

With respect to issues, the pamphlet provides the complete text of each measure, a brief explanatory statement and arguments submitted for and against each measure. The Voters' Pamphlet also provides a statement estimating the direct financial impact of each measure on state and local governments.

Generally, these financial estimates are provided by a Financial Impact Committee convened by the secretary of state that includes the state treasurer, the director of the state Department of Administrative Services and the director of the Department of Revenue. The committee holds public hearings, and estimates reflect the testimony of agencies whose responsibility it will be to implement a given measure.

The Voters' Pamphlet will be mailed to each household on October 15. Additional copies of the Voters' Pamphlet are available at most public buildings such as local post offices,

libraries, courthouses and all county election offices. Some of the information in the pamphlets is also available on the Oregon secretary of state's Web site ([www.sos.state.or.us](http://www.sos.state.or.us)).

### Additional EMO Services

Many people and organizations generously assisted EMO's staff and Public Policy Advocacy, Theology and Environmental Ministries Committees in their process of researching and deliberating on the November ballot measures. The committees heard presentations from individuals and organizations supporting and opposing most of the measures on the ballot, and staff conducted numerous interviews to supplement the review process. We wish to thank all those who graciously responded to our many questions and generously contributed their time and expertise.

Phillip Kennedy-Wong, EMO's director of public policy, and members of the EMO Public Policy Advocacy Committee are available to facilitate adult education forums through congregations and other groups interested in examining the measures on the November ballot. In addition, EMO is available to facilitate contact with any campaign associated with the measures. For more information, call (503) 221-1054.

## Vote by mail and voter registration procedures

The Nov. 2, 2004, election is a statewide general election and will be vote by mail. The Voters' Pamphlet will be mailed to each household on Oct. 15. The ballots must be returned in person or by mail to a county election office by 8 p.m. on the official election day, Tuesday, Nov. 2.

Any Oregon resident who is at least 18 years old on election day is eligible to vote, but voter registration is required. For new registrants, the voter registration cards must be turned in to any county election office within five calendar days after signing the card. The last day to turn in cards is Oct. 12. A registered voter who has moved, changed address or changed name must re-register. This information may be updated through election day at a county election office.

For questions or to help people register to vote, contact Cynthia Strickland, EMO voter registration coordinator, at (503) 484-3215 by Sept. 24.

## Christian principles in an election year

Our Christian faith compels us to address the world through the lens of our relationship to God and to one another. Public discourse is enhanced as we engage civic leaders on the values and ethics affirmed by our faith. At the same time, religious liberty and the integrity of our democracy will be protected as candidates refrain from using faith-based organizations and institutions for partisan gain. We offer these ten principles to those seeking to accept the responsibility that comes with holding public office.

**1** War is contrary to the will of God. While the use of violent force may, at times, be a necessity of last resort, Christ pronounces his blessing on the peacemakers. We look for political leaders who will make peace with justice a top priority and who will actively seek nonviolent solutions to conflict.

**2** God calls us to live in communities shaped by peace and cooperation. We reject policies that abandon large segments of our inner city and rural populations to hopelessness. We look for political leaders who will re-build our communities and bring an end to the cycles of violence and killing.

**3** God created us for each other, and thus our security depends on the well-being of our global neighbors. We look for political leaders for whom a foreign policy based on cooperation and global justice is an urgent concern.

**4** God calls us to be advocates for those who are most vulnerable in our society. We look for political leaders who yearn for economic justice and who will seek to reduce the growing disparity between rich and poor.

**5** Each human being is created in the image of God and is of infinite worth. We look for political leaders who

actively promote racial justice and equal opportunity for everyone.

**6** The earth belongs to God and is intrinsically good. We look for political leaders who recognize the earth's goodness, champion environmental justice and uphold our responsibility to be stewards of God's creation.

**7** Christians have a biblical mandate to welcome strangers. We look for political leaders who will pursue fair immigration policies and speak out against xenophobia.

**8** Those who follow Christ are called to heal the sick. We look for political leaders who will support adequate, affordable and accessible health care for all.

**9** Because of the transforming power of God's grace, all humans are called to be in right relationship with each other. We look for political leaders who seek a restorative, not retributive, approach to the criminal justice system and the individuals within it.

**10** Providing enriched learning environments for all of God's children is a moral imperative. We look for political leaders who will advocate for equal educational opportunity and abundant funding for children's services.

Finally, our religious tradition admonishes us not to bear false witness against our neighbor and to love our enemies. We ask that the campaigns of political candidates and the coverage of the media in this election season be conducted according to principles of fairness, honesty and integrity.

Source: *National Council of Churches USA, June 15, 2004*

## Measure 31

*Amends Constitution. Authorizes the Legislature to enact a law permitting postponement of an election for a particular public office when candidate nominated for that office dies.*

**Additional Information** For legislative history, go to [www.leg.state.or.us](http://www.leg.state.or.us).

**Analysis** Measure 31 is a referral by the Oregon Legislature as Senate Joint Resolution 19. The measure permits the Legislature to postpone an election for an elected state office if one of the candidates dies before election day. A subsequent special election would be held. Results of the originally intended election would not be counted. Surviving candidates would campaign for the special election.

Under current law, if the winner of the election dies prior to being elected, the position would be filled by the incumbent or remain vacant until an appointment is made.

The Oregon Senate approved resolution 27 to 2. House approved resolution 46 to 10.

**EMO Recommendation** The board of directors makes no recommendation on Measure 31.

## Measure 32

*Amends Constitution. Exempts taxes levied on mobile homes from being used exclusively for the construction, reconstruction, improvement, repair, maintenance, operation and use of public highways, roads, streets and roadside rest areas in Oregon.*

**Additional Information** For legislative history, go to [www.leg.state.or.us](http://www.leg.state.or.us).

**Analysis** Measure 32 is a referral by the Oregon Legislature as Senate Joint Resolution 14. The measure permits tax revenues from mobile homes to be used for purposes other than highway related. Instead the revenues would be used for highways, parks or recreation areas and their administrative expenses.

Senate approved the resolution 28 to 1. House approved the resolution 57 to 0.

**EMO Recommendation** The board of directors makes no recommendation on Measure 32.

## Measure 33

**Additional Information** Pro: Life with Dignity Committee, (800) 669-3037. Con: none organized.

**Analysis** There are presently 10,196 patients in Oregon authorized to use medical marijuana. Patients must apply to the state to be eligible. Medical marijuana can be used to alleviate conditions related to Alzheimer's, Cachexia, Cancer, Glaucoma, HIV/AIDS, Nausea, Seizures and pain. Currently, only medical doctors and doctors of osteopathy are permitted to prescribe medical marijuana. The legal amounts an authorized patient can possess are three mature plants, four immature plants and one ounce of usable marijuana per each mature plant.

*Statutory Amendment. Amends Oregon Medical Marijuana Act; increases marijuana amount patients may possess; allows sales; creates dispensaries. "Yes" vote amends act. "No" vote retains current laws.*

Measure 33 would increase the total to ten plants and up to one pound of usable marijuana. That amount could increase up to six pounds if certain requirements are met. The measure proposes a program that permits the state to authorize non-profit dispensaries to harvest and sell viable plants to authorized patients and caregivers.

Other changes under Measure 33 include the creation of a commission to oversee the Oregon Medical Marijuana Program. Doctors of naturopathy and nurse practitioners would be permitted to

prescribe medical marijuana. Law enforcement would need to seek the permission of the Dept. of Human Services before obtaining a search warrant of the program's participants unless there is evidence of unlawful activity.

Supporters of Measure 33 assert that current laws are inadequate because it does not account for the impact of harvesting time on the accessibility and usability of plants for medical marijuana. The laws need to be revised so that patients can gain better access. As of this writing, there is no organized

opposition to Measure 33.

**EMO Recommendation** The board of directors makes no recommendation on Measure 33. After reviewing the measure carefully, there is no study or statistics to the board's knowledge that verify the problems the measure seeks to address. The board supports the use of medical marijuana strictly as a method of pain relief and healing. It opposes all forms of recreational use of the plant.



## Measure 34

*Statutory amendment. Requires balancing timber production, resource conservation/preservation, in managing state forests; specifically addresses two forests. “Yes” vote requires managing state forests balancing by valuing conservation/preservation and timber production equally. “No” vote retains current law allowing mixed-use state forest management; rejects requiring management that values conservation and production equally.*

**Additional Information** Pro: Yes on 34 PAC, (503) 248-0178; www.tillamook5050.org. Con: Alliance to Keep Our State Forests Working, (503) 363-7084; www.keepourstateforestsworking.org.

**Analysis** Measure 34 requires the State Board of Forestry to manage state forestland by attaining the “greatest permanent value.” Permanent value is defined as “a balance between sustainable timber production and water, wildlife, watershed protection, recreation and forest restoration to provide the greatest economic, social, environmental and health benefits” to Oregon residents. The measure identifies drinking water, recreation and fish and wildlife habitat as equivalent forest management objectives to harvesting timber.

The measure creates an Independent Restoration Science Team to advise the State Board on the permanent restoration of native old growth on 50 percent of lands in Tillamook and Clatsop State Forests. The team is to be comprised of the biology chairs of Oregon’s three largest universities. The team will be abolished once recommendations to the State Board are made. The State Board is to adopt a new restoration plan within three years of the measure’s passage.

There are additional provisions that prohibit school districts within Tillamook and Clatsop from receiving less state revenue due to harvesting changes and that amend revenue distribution formulas in the affected counties.

Proponents argue that managing the Tillamook and Clatsop State Forests for the “greatest permanent value” for all Oregonians means balancing sustainable timber production with water, wildlife, recreation, watershed protection and forest restoration. If the present course continues, up to 85 percent of the Tillamook and Clatsop State Forests would be cut within 25 years, placing non-timber uses of the forest at risk. Opponents argue that Measure 34 will significantly affect timber communities and the timber industry and reduce state funding for schools and forest management, as well as reduce revenues to Tillamook and Clatsop Counties.

**EMO Recommendation** The board of directors recommends a “YES” vote. Measure 34 raises important questions about whether current forest practices reflect societal values and needs. Most importantly, the board examined how present society values God’s call to steward the land and water and to care for communities that depend on them. The well-being of human and natural communities is intertwined, and false choices

between “jobs or the environment” should be avoided. Sustainable family wage jobs can be generated from both timber production and conservation. Measure 34 outlines a plan for conserving non-timber resources with a reasonable level of timber harvest that will sustain timber jobs with the possibility of enhancing other economic opportunities to be derived from the forest. The State Board must implement the 50/50 plan in ways that limit economic and employment impacts. The EMO board has listened to concerns related to the use of an independent science team to provide management recommendations for forest restoration, the potential adverse economic impacts and the effect on education funding. Wise forest practices ensure safe drinking water, allow for recreational use, value conservation and allow for reasonable levels of timber harvests. Although complex, forest management deserves thoughtful study, dialogue, moral deliberation and then advocacy by individuals and communities of faith.

*“The earth is the Lord’s and all that is in it, the world, and those live in it.” Psalm 24:1*

## Measure 35

**Additional Information** Pro: Oregonians for Quality, Affordable and Reliable Health Care, (503) 582-0163; www.voteyeson35.com. Con: Trust Juries for Responsible Solutions Committee, (503) 232-2877; www.trustjuries.com.

**Analysis** Measure 35 imposes a limit on non-economic damages of \$500,000 for medical malpractice claims adjustable by inflation. The limit only applies to healthcare entities and providers licensed in Oregon. Non-economic damages are generally defined as pain and suffering. The measure would not change objective economic damage awards such as hospital costs, medications, funeral expenses or lost employment income.

Proponents of this measure argue that medical malpractice insurance rates are too costly. As a result, the high costs are causing doctors to leave medicine, especially in rural parts of the state. They blame high damage awards to victims of medical malpractice as causing rate increases. Opponents argue that limiting damage awards undermines the jury process and consumer rights. They cite states with damage award caps do not have lower insurance rates. They also cite government statistics in rural areas that have shown increases in doctors practicing medicine.

**EMO Recommendation** The board of

*Amends Constitution. Limits non-economic damages recoverable for unintended injury to patient caused by healthcare provider, entity. Damage awards for all cases are capped at \$500,000 and adjusted annually using the Consumer Price Index.*

directors recommends a “NO” vote. The board believes that healthcare is a fundamental need and right for all. Quality of healthcare and access are essential to life. The common good lies with increasing quality of care and accessibility through lower costs. Protecting persons, especially those without means, from medical malpractice is part of ensuring quality of care. Low medical malpractice rates are important because it helps keep the costs of medical practice reasonable. The board’s study of Measure 35 concluded that capping damage awards would not necessarily lead to lower rates or reduce the number of doctors leaving practice. The board found many factors that affect the quality and accessibility of healthcare, such as the high number of uninsured, expensive prescription drugs and market influences. There is no strong correlation that supports capping damage awards as leading to lower rates. A reasonable solution to high rates could be explored in a reform of health insurance practices. Other approaches could include seeking additional ways to increase medical safety and consumer protection in order to reduce the number of malpractice suits filed. Ultimately, the key to lowering the costs of healthcare and keeping doctors in practice requires a comprehensive systemic change that reduces the high number of uninsured.

*“When the ecological crisis is set within the broader contexts of the search for peace within society, we can understand better the importance of giving attention to what the earth and its atmosphere is telling, that there is an order in the universe which must be respected, and that the human person, endowed with the capability of choosing freely, has a grave responsibility to preserve this order for the well-being of future generations.”*

Pope John Paul II

## Measure 36

*Amends Constitution. Only marriage between one man and one woman is valid or legally recognized as marriage. “Yes” vote amends Oregon Constitution. “No” vote rejects proposed amendment.*

**Additional Information** Pro: Defense of Marriage Coalition, (877) 203-9595; [www.defenseofmarriagecoalition.org](http://www.defenseofmarriagecoalition.org). Con: No on Constitutional Amendment 36, (971) 244-1399; [www.noon36.com](http://www.noon36.com).

**Analysis** Measure 36 amends the constitution to legally define marriage as between one man and one woman.

Proponents argue that same gender marriage or civil union undermines the institution of heterosexual marriage, leads to moral decline and goes against the Bible. Heterosexual marriage needs to be protected through a constitutional amendment. Opponents argue that amending the constitution imposes upon the freedom of religions that bless same gender marriages and denies the legal rights of same gender couples when making decisions on medical care and personal estates.

**EMO Recommendation** The board of directors makes no recommendation on Measure 36. After a lengthy discernment process, the board recognizes there is a diversity of theological understandings when considering a definition of marriage and how it is to be understood in a religious and legal context. Some of EMO’s members understand marriage to be reserved for heterosexual couples only, while others support same gender marriage. It is within this context that the board is unable to reach consensus both on the theological and legal definition of marriage among its members.

Clearly, what is held in common, however, is the need for ongoing dialogue and discernment. The myriad of issues of human and legal rights associated with marriage must be explored. There are also questions of religious freedom and the practicality of defining marriage in the state constitution. Does amending the constitution with a particular religious definition of marriage impose upon other religions with different definitions? Can civil unions or civil marriage coexist with religious marriage? Can religious differences on marriage coexist in a legal context? Are there human and legal rights associated with marriage that are denied to certain populations because of sexual orientation? These are just a few of the many questions that need further discussion and public discourse to fully appreciate the complexities that defining marriage legally presents.

The board is acutely aware of the personal human impact this measure has on all Oregonians. The board is united in opposing any effort to use this measure to denigrate any religion, person or community in this state. The board of directors has consistently acknowledged and advocated for the human dignity of all people regardless of sexual orientation, legal status, race, religious affiliation, gender, age or disability. It is in this spirit of inclusiveness that the board advises discernment, prayer, reflection, civil debate, discussion and thoughtful study in a manner that acknowledges that all are children of a loving Creator.

*“Let justice roll down like waters and righteousness like an everflowing stream.” Amos 5:24*



## Measure 38

*Statutory amendment. Abolishes SAIF; state must reinsure, satisfy SAIF’s current obligations; dedicates potential surpluses to public purposes. “Yes” vote amends statutes. “No” vote rejects amendments.*

**Additional Information** Pro: Oregonians for Accountability, (503) 232-9889; [www.oregoniansforaccountability.com](http://www.oregoniansforaccountability.com). Con: Committee for SAIF-Keeping, (503) 363-7084; [www.saif-keeping.com](http://www.saif-keeping.com).

**Analysis** The State Accident Insurance Fund (SAIF) was created in 1914 with the purpose of providing low cost workers compensation insurance to private employers. Until 1965, it was the only insurer providing workers compensation insurance. Private employers, most of them small businesses, pay into the fund that finances SAIF’s operation. It operates as a public-private entity with a governor-appointed five-member board of directors comprising of business, civic and labor leaders. Because SAIF’s net profits stay in the fund rather than to shareholders in out-of-state insurance companies, its rates are able to remain affordably competitive.

Measure 38 proposes that SAIF be abolished by 2007. What is left in the fund after abolishment is to be used for satisfying future liabilities and towards a one-time infusion of funding for public education, law enforcement, medical prescriptions for seniors and the medically needy and job growth.

Proponents argue that SAIF unfairly competes in the workers compensation insurance market

against private insurers. It must be abolished in order to level the playing field. Opponents argue that abolishing the fund would increase employers’ costs and lead to layoffs. Abolishment of SAIF is an attempt by a single competitor to eliminate its competition through political means rather than the free market.

**EMO Recommendation** The board of directors recommends a “NO” vote. While SAIF should consider restructuring itself from time to time, recent criticism and troubles of the entity does not warrant outright abolition. Doing so would affect many small employers that depend on its affordable worker compensation insurance rates, especially agriculture and timber businesses. Measure 38’s proposal of shifting a portion of the fund towards funding public services might be laudable. However, it would not achieve the long-term stability needed for funding valuable public services. Only significant tax reform would be able to achieve stability. Overall, abolishing SAIF would be an extreme method to address some of the recent lapses in present management. The greater public good regarding SAIF would be to permit its continuation with changes in management or operation to ensure workers compensation insurance rates stays affordable.

## Measure 37

*Statutory amendment. Requires governments to pay owners, or override restrictions, when certain use restrictions reduce property value. “Yes” vote amends Oregon statutes. “No” vote rejects proposed amendments.*

**Additional Information** Pro: Oregonians in Action, (503) 620-0258; [www.oia.org](http://www.oia.org). Con: Take a Closer Look Committee, (503) 222-2734; [www.takeacloserlook.org](http://www.takeacloserlook.org).

**Analysis** Measure 37 creates a grievance process for individual property owners that requires state or local government to financially compensate individual property owners if a land use regulation devalues their property, or amends or forgoes enforcing the law. The measure does not specify revenue sources that state or local government should use when compensating property owners’ claims.

Measure 37 is similar to 2000’s Measure 7 but with a key difference. Measure 37 is a statutory amendment, whereas Measure 7 was a constitutional amendment.

The estimated administrative costs to state agencies for implementing Measure 37 range from \$18 to \$44 million. For local governments, the range is between \$46 to \$300 million. Estimates for compensation claims cannot be determined.

Proponents argue that property owners bear an undue burden for land use protections and should therefore be fairly compensated. Opponents argue that Measure 37 would lead to either repeal of land use protections or loss of public services due to costly payouts.

**EMO Recommendation** The board of directors recommends a “NO” vote. Property and land use protections are intended to promote the greatest amount of individual good with the least amount of negative impacts on the common good. These protections should be developed in an open process through public hearings and should be approved or amended democratically by a vote of elected officials at different levels of government. Protections, such as zoning, prevent incompatible land uses such as placing a slaughterhouse next to a residential area or toxic industrial facility next to sensitive ecosystems.

If Measure 37 passes, state and local governments may have to divert public funds to financially compensate individual property owners. The result could be creating the immoral position of choosing between protecting both the community and the environment while cutting public services or repealing the protections. The board affirms that if a particular protection or public process has been manipulated to meet narrow self-interests, individual property owners with disputes should be accorded due process for their grievances. An amendment, a new interpretation of the land use protection in question or just compensation should be made primarily in the interest of the common good and fairness to individuals. Aggrieved property owners should be accorded just compensation under reasonable conditions, but Measure 37’s attempt is too sweeping and unwieldy. As a matter of Christian belief, the land is God’s gift entrusted to humankind. Land stewardship and use should reflect concern for the common good and that of future generations. The board reaffirms its opposition to this type of property rights compensation laws.