

guide

Fall 2018 Voters' Guide to
Oregon Ballot Measures

The voter's ballot measure guide: Why we do it & how we do it

This voters' guide to the ballot measures for the 2018 Oregon general election is provided as an educational resource approved by the Ecumenical Ministries of Oregon (EMO) board of directors, based on the recommendations of the Public Policy Advocacy Committee.

The Nov. 6 general election, like all elections, is important for people of faith and 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 40 years ago, and continued by EMO today. In it, we provide information, analysis and recommendations for the five measures on the state ballot, as well as two Portland metro area measures. We hope our discussion of the ballot measures will provide valuable insights for Oregon's voters, especially for people whose faith is their ultimate guide.

Foundational to our social principles is the belief that to be faithful means to “love God, and to love our neighbor as ourselves.” Christian minister William Sloan Coffin once stated, “In Christ's sight, there are no insiders or outsiders, for we are finally of one nature and one flesh and one grief and one hope. In Christ's sight, if we fail in love, we fail in all things else.”

Ecumenical Ministries of Oregon has adopted a Statement of Social Principles that guides our public policy work. In this statement, we recognize the value of religious involvement in civic affairs and the governmental process, and we identify core principles and areas of social concern:

We affirm the value of love, the respect of all life, and the dignity of every human being ... In our public witness we embrace compassion and forgiveness in all relationships, non-violence, and working in constructive and creative ways to make a better world. We commit ourselves to a society in which all persons are free to live together in peace and harmony. We affirm an inclusive community for nurturing the shared life of humankind.

As we prayerfully engage in a discussion regarding each ballot measure, we consider arguments offered by both supporters and opponents of each measure, and we rely on the Scriptures, our social principles, our past positions on similar measures, and dialogue and deliberation in our Public Policy Advocacy Committee and among the EMO board of directors. We ask that you, also, prayerfully consider the wisdom of your own tradition and engage in a thoughtful process of discernment in exercising your civic duty to vote.

Our faith traditions call us to be thoughtful and active advocates for peace, social justice, human dignity and environmental stewardship. Through reflection on core principles, understanding of the political process, and knowledge of the issues, EMO seeks to empower people of faith and all Oregonians to fulfill their role in the democratic process.

EMO Statement of Social Principles

The EMO Statement of Social Principles identifies six key areas of social concern: *Peace and Global Justice, Human Rights and Religious Freedom, Environmental Stewardship, Economic Justice, Family and Community Well-being, and Public Witness and the Common Good.* In our discussions of the individual ballot measures found in this guide, we identify which area, or areas, of social concern relates to each measure. The complete statement of social principles can be found on our website at emoregon.org/advocacy-action.

Register to vote online or by mail

Any Oregon resident who is at least 18 years old on Election Day is eligible to vote, but voter registration is required. You may register online on the Oregon Secretary of State website at sos.oregon.gov/voting or turn in a voter registration card to any county election office within five calendar days after signing the card. The last day to register is Oct. 16. A registered voter who has moved, changed address or changed their name must re-register. This information may be updated through Election Day at a county election office or on the website listed above. The Nov. 6, 2018, election is a statewide general election and will be vote by mail. Ballots will be mailed to voters between Oct. 17 and 23. The ballots must be returned in person or by mail to a county election office by 8 p.m. on Nov. 6.

Ballot Measure Forums

A current schedule of EMO Ballot Measures Forums is posted on EMO's website at emoregon.org. If you would like to schedule a forum at your congregation or organization, contact Britt Conroy, director of Public Policy Advocacy, at bconroy@emoregon.org or (541) 602-2050.

And what does the Lord require of you ... but to do justice, to love kindness, and to walk humbly with your God. —Micah 6:8

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

For I was hungry and you gave me food; I was thirsty and you gave me drink; I was a stranger and you took me in. —Matthew 25:35

Learn to do good; seek justice, rescue the oppressed, defend the orphan, plead for the widow. —Isaiah 1:17

Ecumenical Ministries of Oregon is a statewide association of Christian denominations, congregations, ecumenical organizations, and interfaith partners working together to improve the lives of Oregonians through community ministry, ecumenical and interreligious dialogue, creation justice and public policy advocacy.

The Roman Catholic Archdiocese of Portland in Oregon abstained from EMO's deliberations regarding the November ballot measures. The Archdiocese releases all public policy statements through the Oregon Catholic Conference.

Measure 102 (Constitutional Amendment)

Allows Municipal Bond Revenue to Fund Privately Owned Affordable Housing

Summary & Analysis

Measure 102 (passed by the Legislature as House Joint Resolution 201) would amend the Oregon constitution to allow counties, cities and towns to—with voter approval and certain restrictions—use bond revenue to fund the construction of affordable housing without necessarily retaining complete ownership of the constructed housing. The amendment would require that these affordable housing bonds be approved by local voters.

Proponents of Measure 102 argue that this amendment would result in the construction of more units of affordable housing than would otherwise be constructed under current law. They also argue that this amendment will result in transparent and fiscally prudent projects, as the measure requires annual audits and public reporting and limits the amount of debt a local government can incur.

During floor debate in the Oregon Senate on this proposal, one opponent stated that this bill would not address the fundamental reason why Oregon lacks sufficient housing, namely the shortage of land zoned for construction. Opponents also argued that the measure would threaten the solvency of local governments by allowing them to incur debt.

Financial Impact—There is no financial impact to state revenue or expenditures.

EMO Recommendation

Vote “YES” on Measure 102, based on the EMO social principles of *Human Rights & Religious Freedom* and *Public Witness & the Common Good*.

As people of faith, we seek to promote human dignity and, as our Social Principles state, to create a government and social order that is “responsive to human needs and aspirations.” Measure 102 will provide local governments with another tool to address the housing crisis in a fiscally sound manner.

For Portland metro area voters, the EMO board also recommends a “YES” vote on housing bond measure Metro 26-199. Read more about this measure and why EMO has endorsed it on page 9.

Measure 103 (Constitutional Amendment)

Bans Taxation of “Groceries”

Summary & Analysis

Measure 103 is a constitutional amendment that will prohibit state and local governments from adopting, approving or enacting any “tax, fee or other assessment” on the sale/distribution/purchase/receipt of, or for privilege of selling/distributing “groceries” by individuals/entities regulated by designated food safety agencies, including restaurants or entities operating as a farm stand/farmers market/food bank. Measure 103 prohibits a “sales tax, gross receipts tax, commercial activity tax, value-added tax, excise tax, privilege tax and any other similar tax on sale of groceries.” “Groceries” are defined as “any raw or processed food or beverage intended for human consumption.” Alcoholic beverages, marijuana products and tobacco products are exempted.

The measure would retroactively prohibit any taxes, fees or assessments on the sale of groceries adopted or enacted on or after Oct. 1, 2017. Currently, Oregon has no statewide sales tax but has no law preventing local governments from establishing such a sales tax.

The principle funders of the campaign to pass Measure 103 are Albertsons-Safeway, Kroger, Costco and the NW Grocery Association. These proponents argue that a tax on groceries is unfair, regressive and impacts those living in poverty or on fixed incomes. They argue that Measure 103 will proactively prohibit any future efforts to tax groceries. The measure is designed to prevent taxes on soda—such as the initiative drafted by health care advocates in Multnomah County that failed to qualify for the 2018 ballot—and to guard against any future gross receipts tax applying to the sale and distribution of groceries, as defined above.

Opponents argue that Measure 103 is not about limiting the cost of food, but rather an attempt by the above corporations to freeze in the Oregon Constitution their current favorable corporate tax treatments. For example, the Oregon attorney general’s office noted that, under its interpretation of Measure 103, a company whose business involves the “sale or distribution of groceries,” as defined above, could avoid any future increase to the corporate minimum tax, currently capped at \$100,000. Similarly, opponents argue that this constitutional amendment would apply to weight-mile and fuel taxes passed by the Oregon Legislature in 2017 and to future efforts to incentivize greater fuel efficiency and to reduce climate pollution tied to the transportation sector.

Furthermore, opponents argue that Measure 103 is poorly written and could prove costly for state and local governments to implement. Because it is a constitutional amendment, the Legislature will be prohibited from making modifications, as the courts determine currently unknown or disputed implications of this measure. Finally, opponents argue that there are no similar provisions in any other state constitution.

Financial Impact—The financial impact is indeterminate.

EMO Recommendation

Vote “NO” on Measure 103, based on the EMO social principles of *Economic Justice* and *Family & Community Well-Being*.

As members of faith communities across Oregon, we see the daily burden that low-income families and individuals face across our state. The grocery industry is using that concern to appeal to voters with the false premise that politicians are seeking a tax on groceries. There have been no such proposals in the Oregon Legislature. Instead there has been consideration of proposals to increase the corporate share of revenue in the state. Currently, Oregon ranks as one of the very lowest in total state and local business tax revenue.

One of the great moral issues for the United States is the accumulation of wealth by a small portion of our society.

Oregon continues to lack revenues to properly fund our schools, provide adequate resources for foster children, ensure that everyone in the state has access to housing, and deliver appropriate mental health care for those who need it. EMO will continue to work to ensure food and personal necessities are affordable, but exempting industry segments from any prospect of tax reform will only make it more difficult to solve the problems of individuals in need.

Measure 104 (Constitutional Amendment)

—*Defines “Raising Revenue” for Three-Fifths Vote Requirement*

Summary & Analysis

Today, Oregon’s constitution requires a 60 percent (three-fifths) affirmative vote in both chambers of our legislature to raise taxes. The Oregon Supreme Court has ruled that this 60 percent

requirement does not include the elimination or reduction of existing deductions or tax credits. In addition, the current law does not require a 60 percent vote to adjust fees like the cost of entry to a state park. Measure 104 would require that any changes to taxes or fees that increase revenue would require a 60 percent affirmative vote by the Legislature, including the exceptions mentioned above.

Proponents claim that legislators have been redefining taxes as fees to avoid this provision since the court ruling. They also state that the new supermajority requirement created by this constitutional amendment will not prevent the Legislature from reforming tax breaks. Examples of revenue-raising votes that recently passed under a supermajority requirement include the increase in transportation taxes and the passage of increased health taxes to fund Medicaid, both passed in 2017.

The lead proponent of this measure is the Oregon Association of Realtors, whose members are concerned about possible reforms to the mortgage interest deduction, a subsidy that costs Oregon nearly \$1 billion every biennium. Roughly 61 percent of the tax benefits of this program go to the top 20 percent of taxpayers. Starting in 2016, EMO and other housing advocates drafted and promoted such reform legislation, believing reform savings could be better spent on other housing priorities.

Opponents of Measure 104 believe that this measure is fundamentally undemocratic, since it provides a minority in the Oregon Legislature the ability to thwart the will of the majority, and it will lead to legislative gridlock by adding routine fees to the list of items requiring a super majority. In addition, it will make it much more difficult to use the reform or elimination of existing tax breaks as a means to fund higher priority services.

Financial Impact

The financial impact to state and local government revenue and expenditures is indeterminate.

EMO Recommendation

Vote “NO” on Measure 104, based on the EMO social principles of *Economic Justice* and *Family & Community Well-Being*.

If passed, over time Measure 104 will reduce revenue for schools, health care and services needed by the vulnerable. It will protect those who have been able or will be able to secure tax breaks, which have historically benefitted wealthier Oregonians and large corporations. This threatens to expand the wealth gap, while making it harder to fund the priorities of the middle class and lowest-income earners.

Measure 105 (Statutory Initiative)

Repeals Sanctuary State Law

Summary & Analysis

Measure 105 would repeal a 1987 state statute that prohibits state and local law enforcement from using “money, equipment or personnel for the purpose of detecting or apprehending persons whose only violation of the law” is that of federal immigration law.

The original legislation was based on a 1977 incident in Independence, Ore., when, without showing a warrant or identifying themselves, three Polk County sheriff’s deputies began interrogating men about their citizenship status. A subsequent class action lawsuit alleged that the law enforcement officers had “engaged in a pattern and practice of stopping, detaining, interrogating, searching and harassing” people because of the color of their skin and because they were of Mexican descent.

The Oregon Legislature passed the 1987 anti-profiling law by a combined vote of 87-2, in part to prevent racial profiling and harassment, and in part to prevent local law enforcement agencies from using their resources to take on non-local law enforcement duties.

Proponents of Measure 105 have expressed concerns about overpopulation in Oregon and how immigration has environmental, economic, political and social impacts on our state. Proponents have also stated that they are concerned about crimes committed by those without legal authorization to be in the United States and that local law enforcement should be given permission to enforce all laws, including federal immigration laws.

Opponents of Measure 105 believe the measure appeals to racism and fear and dehumanizes instead of welcomes the stranger. They worry that the measure will make Oregon's immigrant community fearful of law enforcement, meaning immigrants will be less likely to call the police for help, report a crime or serve as a witness in a criminal investigation.

Opponents also argue that the repeal of this 1987 law would threaten the budgets of local governments through the "deputizing" of police. And opponents note that existing law still allows local law enforcement to partner with federal immigration authorities if an individual is arrested for any criminal offense or is the target of a criminal investigation.

Financial Impact—The financial impact is indeterminate.

EMO Recommendation

Vote "NO" on Measure 105, based on the following EMO social principles: *Economic Justice*, "We are called to 'love justice' and to act in solidarity with those on the margins"; *Human Rights & Religious Freedom*, "We abhor ... treatment that erodes human dignity"; and *Family & Community Well-Being*, "EMO is committed to promote both the welfare of all children and the overall health and economic stability of families and communities."

How we treat the marginalized in our society speaks volumes about our commitment to the Great Commandment "to love our neighbor as we love ourselves." Since the 1970s, EMO has been resettling refugees and providing services for refugees and immigrants, inspired by God's call to welcome the stranger.

Today, we stand with all of our neighbors, including immigrants without documentation. They are our friends, coworkers and family members. Our fellow Oregonians are caught in an unjust and broken immigration system. Faith communities will not be silent—Measure 105 could open the door to serious civil rights violations, waste local law enforcement dollars and tear families apart.

Measure 105 would throw out a 30-year-old state law passed with near-unanimous Republican and Democratic support. Our "sanctuary" law is based on a profound faith tradition of dignity and fairness. It protects Oregonians from racial profiling and prevents local police personnel, funds, equipment and facilities from being used to pursue and detain people suspected only of violating federal immigration law. Preserving this law means protecting Oregon values and priorities.

Measure 106 (Constitutional Amendment)

Prohibits Public Funding of Abortion

EMO's Approach to Measure 106

Measure 106 is, in the most direct sense, about whether public funds should be spent on abortions. However, the EMO board of directors is clear in its belief that this measure is ultimately about the morality and justness of abortion itself. As an organization, EMO believes our most valuable

contribution to the discussion around Measure 106 is as a bricklayer, building a pathway for understanding and empathy between people of faith with opposing views on abortion. In the remarks below, EMO references the measure's focus on taxpayer funding for abortion, but largely focuses on the shared values and beliefs that connect those inclined to support and to oppose this measure.

An Invitation

Ecumenical Ministries of Oregon extends an invitation to delve deeply into the sincerely-held, faith-based values that lead people of faith to support or oppose the public funding of abortion. An unborn child who is wanted by the mother-to-be represents a miraculous gift from God, while an unwanted pregnancy is a very real crisis for a woman, especially a woman bearing the brunt of unfair power structures, economic injustice and discrimination in our society.

People of faith who argue against public funding of abortion believe that anti-abortion policies support God's wish that the moral imperatives of economic justice, personal dignity, self-determination and bodily integrity apply to the human fetus. These people of faith believe that abortion itself denies ongoing life to a human being, marginalizing a voiceless segment of our community through an "otherization" that denies the humanity of the human fetus. They believe other approaches must address the needs of the woman who is in crisis, and abortion is not the best way to walk with her in faith and love.

People of faith who support public funding of abortion believe that access to abortion supports God's wish that all women are granted true economic justice, personal dignity, self-determination and bodily integrity. To deny women access to abortion rights further marginalizes women, especially those living in poverty. A decision to become a parent, as well as when and under what circumstances, is deeply personal and should be left for a woman to discern for herself in consultation with her family, her faith and others she may bring into the conversation.

The EMO board of directors believes all people of faith are called to view this issue through a lens of justice and compassion and to recognize that doing so will result in differing opinions on this topic. EMO calls for us to respectfully listen to and learn from one another. Below you will find a summary of Measure 106 and the arguments made by supporters and opponents.

Summary & Analysis

Measure 106 would amend the Oregon Constitution to prohibit public funds from being spent on abortions, except when medically necessary or required by federal law. Under the measure, an abortion would qualify as medically necessary if a licensed physician determines that a woman suffers from a physical disorder, physical injury or physical illness that would place her in danger of death unless an abortion is performed. Under the measure, public funds could be spent on abortions in circumstances of rape or incest if federal law requires states to do so, and public funds could pay for abortions in cases of a clinically diagnosed ectopic pregnancy. Ectopic pregnancies are pregnancies where a fertilized egg becomes implanted outside of the uterus and has no chance of proceeding normally to birth and that could prove fatal to the mother.

The State of Oregon estimates that one-fourth (or 1,250 per year) of those pregnancies that would have resulted in abortion under existing law would instead result in live births.

Supporters of Measure 106 argue:

- This measure will result in the saving of human life by reducing the number of abortions in Oregon by 1,250 per year.
- Abortion is a matter of justice, peace, economic and civil rights, as life itself must first be protected if any and all other rights are to be enjoyed.

- Abortion devalues and violates human life and fails to recognize the human dignity of the individual who has yet to be born. God’s love does not differentiate between the newly conceived infant still in his or her mother’s womb and the child, young person, adult or elderly person. God’s image and likeness are in each.
- The state exists to protect its people, applying these protections to all equally. If government not only fails to protect all people, but instead actively funds aborting the life of an unborn child, it is violating its core responsibility and founding principles.
- Similarly, proponents of Measure 106 argue that taxpayers should be able to expect that their tax dollars will not pay for what they consider to be morally reprehensible acts such as abortion.
- The measure makes reasonable exceptions for ectopic pregnancy and for pregnant women in danger of death due to their physical condition.

Opponents of Measure 106 argue:

- A just society should treat every person equally regardless of sex, color or economic status; therefore, all women should have access to abortion without charge. But Measure 106 is inequitable, preventing low-income women who are covered by Medicaid from having access to abortion without charge, while women who receive their health care coverage through their non-governmental workplace or who purchase health insurance on the private market would have such access. A low-income woman who cannot afford an abortion under the passage of Measure 106 will find it more difficult to achieve social, economic and political parity with those who have not endured such a burden.
- Measure 106 will prevent women who are undocumented to receive publicly funded abortions, further marginalizing our immigrant neighbors.
- Measure 106 does not provide guaranteed exceptions in the cases of rape or incest to the prohibition of state funding for abortions, but rather only provides such exceptions if and when federal law requires state funding for such abortions. Currently, there is no federal requirement, thus the official ballot measure summary reads, “No exception for pregnancy resulting in rape or incest.”
- Reducing access to abortion will increase the likelihood that women will die from illegal and unsafe abortion procedures.
- Reducing access to abortion will increase the likelihood of women suffering harm or dying from complications during pregnancy or childbirth. The United States has the highest rate of maternal mortality in the developed world. Oregon, though far better than the U.S. average, still has a harm rate of 13 incidents per 1,000 deliveries, while 12.8 Oregon women die per 100,000 births. Finally, nationally, the risk of pregnancy-related deaths for black women is three to four times higher than white women.

Financial Impact

The state estimates that Measure 106 will result in 1,250 additional births per year. State savings from the prohibition of public funding of abortions is estimated to be \$2.9 million per year. Additional state costs from the increased utilization of government food, health care and nutrition services by children who would not otherwise have been born is estimated to be \$22.2 million per year. The result is a net increase in state government expenditures of \$19.3 million per year.

It is anticipated that Oregon will receive additional federal matching dollars of \$14.5 million per year to supplement the above increase in state funding for food, health care and nutrition services.

EMO Recommendation—The Ecumenical Ministries of Oregon board of directors encourages your prayerful discernment of this difficult issue.

Metro 26-199 (Metro regional government tax measure)

Authorizes \$653 Million in Bonds to Build Affordable Housing in Washington, Clackamas and Multnomah Counties

Summary & Analysis — Metro Measure 26-199 would authorize Metro to issue \$653 million in general obligation bonds to build affordable housing, purchase and rehabilitate existing housing to preserve its affordability, and to buy land for future construction of affordable housing. Investments would be made within Metro boundaries in Clackamas, Washington and Multnomah Counties. Metro estimates that bond costs will be \$0.24 per \$1,000 of assessed value annually. For the owner of a home valued at the Metro median of \$250,000, this would result in a tax equal to \$5 per month or \$60 per year.

Metro estimates that these funds would provide housing for 7,500 individuals if the above Measure 102 constitutional amendment does not pass, and housing for 12,000 individuals if Measure 102 does pass, allowing for public-private affordable housing partnerships.

If this bond measure passes, housing advocates believe local jurisdictions in other parts of the state will refer similar affordable housing bond measures to their voters. This will especially be the case, advocates say, if Measure 102 passes, as well, allowing smaller jurisdictions to leverage private partnerships to be able to afford to build such projects.

EMO Recommendation

Vote “YES” on Measure 26-199, based on the EMO social principles of *Human Rights* and *The Common Good*.

As people of faith, we seek to promote human dignity and, as our Social Principles state, to create a government and social order that is “responsive to human needs and aspirations.” Metro 26-199 will provide housing to thousands of low-income individuals, enabling them to focus on addressing their other needs and on pursuing their own goals. The EMO board also recommends a “Yes” vote on Measure 102, discussed earlier in this guide.

City of Portland 26-201—*Portland Clean Energy Fund*

Summary & Analysis — The Portland Clean Energy Fund ballot measure would create a nine-member Community Benefits Board to evaluate and recommend funding for proposals to weatherize homes, build rooftop solar panels, provide job training in green jobs, grow local food production, and fund green infrastructure in the City of Portland, particularly for communities of color and low-income households.

To be eligible, the proposals would need to be originated by nonprofits or community organizations, although private partnerships could be formed to assist. The Community Benefits Board would be chosen to include a mix of technical expertise and community representation. Funding for the projects would be raised from an increase in the city’s business licensing fee for large retailers, that is, retail businesses doing at least \$1 billion in annual sales nationally and at least \$0.5 million in annual sales in Portland. Their business license fee increase would be set at 1 percent of gross sales in Portland; for example, if a retailer’s annual sales in Portland were \$500,000, their annual payment for the Community Benefits Fund would be \$5,000. This fee increase would raise about \$30 million per year for projects benefiting individuals and communities.

Supporters of the Portland Clean Energy Fund point out that this measure serves environmental justice by channeling resources from leading fossil-fuel users to recipients who have been the most impacted by climate change. The measure is a historic first for the city, in having been created by groups led by and working for the rights of Portland's people of color and low-income households. Furthermore, it has been endorsed by over 150 community organizations, businesses and faith leaders. It will engage community leadership and wisdom in providing both the job training and the weatherization and infrastructure benefits that lead to greater economic security and improved health for Portland families who need it most. It will enable Portlanders to do their share to combat climate change and reach, in a just and equitable way, the carbon-free goals they have already agreed on as a city.

There is no organized opposition to the Portland Clean Energy Fund. Some opposing arguments include that the measure may be creating a self-perpetuating board that might go beyond the control of the City Council. In response to this concern, proponents point out that the Community Benefits Board's role would be simply to evaluate and recommend, and the Portland City Council and the Mayor would have the final word on selection of projects and board members.

Opponents also state that the public is only supportive of so much taxation, and this measure would take away potential tax revenue from other priorities. In response, proponents state that the concern that taxpayer willingness to part with their money is not infinite makes it all the more important to use those limited resources to assist disadvantaged communities, in accord with principles of social justice.

EMO Recommendation

Vote "YES" on 26-201 based on the EMO social principles of *Economic Justice* and *Environmental Stewardship*.

The EMO board recognizes Measure 26-201 as a means to stand with Portland's communities of color, reduce climate pollution, provide economic opportunity for Portlanders, and practice the social principle of affirming the intrinsic value of all creation. This measure would decrease Portland's carbon footprint while also providing material support and job opportunities to underemployed and disadvantaged communities.

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