

Ballot Measure Summaries
November 2022 General Election
League of Women Voters of Coos County

STATEWIDE MEASURES

111: Right to Health Care Amendment

Ballot title: State must ensure affordable health care access, balanced against a requirement to fund schools, other essential services.

Referral: This is a constitutional amendment passed by the Oregon Legislature and referred to the voters. The constitution will be amended only if the measure is approved by the voters.

Financial impact: Unknown. Spending and revenue under this measure would be determined by the Legislature in the future.

Background: Measure 111 was referred to the voters by the Oregon Legislature as a result of the passage of Senate Joint Resolution 12 (2021) with a vote of 17 in favor and 13 against in the Senate and 34 in favor, 23 against, and 3 excused in the House. The preamble to SJR 12 states the importance of access to health care for “opportunity, success, and quality of life,” and that this access must be available to all Oregonians, regardless of circumstance. Currently no explicit right to health care is guaranteed by Oregon’s Constitution. Although the number of Oregonians without health insurance has decreased significantly since the Affordable Care Act went into effect, the American Community Survey found that 303,249 (8.8%) Oregonians under the age of 65 were uninsured in 2019. People who were insured had health insurance from Medicare, the military, Medicaid, their employers, or private non-group health insurance.

A YES vote means: The Oregon Constitution will be amended to say that the state is obligated to ensure that Oregon residents have “access to cost-effective, clinically appropriate and affordable health care as a fundamental right.” This right to health care must be balanced with the State’s obligation to fund public schools and other essential services.

A NO vote means: The Oregon Constitution will remain unchanged.

Supporters say: There are gaps in the health system that leave some people uninsured, and even people who are insured sometimes find health care unaffordable. Lack of affordable and adequate health care hurts families’ finances and prevents people from keeping jobs or going to school. Because health care is not currently a right, people suffer the negative health and financial impacts of denied or delayed care.

Opponents say: The state is promising health care it can’t deliver. A government-controlled health care system is infeasible. Oregon Catalyst cites a 2017 Legislative report noting that it would cost more than \$70 billion per budget cycle.

112: Remove Slavery as Punishment for Crime Amendment

Ballot title: Amends Constitution: Removes language allowing slavery and involuntary servitude as punishment for crime.

Referral: This measure is a constitutional amendment referred to voters by the 2021 Oregon Legislature with a vote of 51 in favor and 7 against in the House and a vote of 25 in favor, 4 against, and 1 excused in the Senate.

Financial impact: There is no direct financial impact to state revenue. The impact of the measure will depend on potential legal action or changes to current inmate work mandates.

Background: The U.S. Constitution and the constitutions of 19 states, including Oregon, allow involuntary servitude only when used as criminal punishment. Ten of those states, including Oregon, also allow slavery as a form of criminal punishment. Many of these laws were added to state constitutions between the 1850s and the 1890s. Historically, “slavery loophole” language was a compromise that enabled former slave states to re-enslave Black people. These states created “Black Codes” so that newly freed people could be arrested and pushed back into slavery for vaguely worded minor offenses such as vagrancy, loitering, and malicious mischief. Because this language no longer reflects the values of Oregon, an increasingly diverse state, a group of Willamette University students with an interest in restorative justice created a volunteer coalition, Oregonians Against Slavery and Involuntary Servitude. In 2019 and again in 2021, with the support of U.S. Senator Jeff Merkley, they introduced to the Oregon Legislature a bill to remove our constitution’s language allowing slavery and involuntary servitude. This bill resulted in Senate Joint Resolution 10, which passed the Legislature and has been referred to voters.

A YES vote means: If this measure passes, it would amend the Oregon Constitution to remove language allowing slavery and involuntary servitude as a punishment for crime and would add language that allows programs such as counseling, education, work or community service to be ordered as part of sentencing.

A NO vote means: The Oregon constitution would retain current language that prohibits slavery and involuntary servitude in general, but allows them as punishment for crime.

Supporters say: We must act on our morals and rid the Oregon Constitution of language that condones the dehumanizing practice of slavery. Language that makes exceptions for slavery and involuntary servitude is far out of touch with our values as Oregonians—and as people. Measure 112 would not alter prison work programs, community service and rehabilitation programs. We must continue to offer opportunities for incarcerated persons to be involved in productive activity so that they can successfully reenter society with practical skills and a viable work ethic.

Opponents say: There is no organized opposition to this ballot measure, but some oppose any measure that amends the Oregon Constitution. Because the language of slavery and involuntary servitude is the same language present in the U.S. Constitution, they say there is no need to modify the Oregon Constitution. This measure could decrease state revenue from convict labor.

113: Exclusion from Reelection for Legislative Absenteeism

Ballot title: Amends Constitution: Legislators with ten unexcused absences from floor sessions disqualified from holding next term of office.

Initiative: This measure is a constitutional amendment placed on the ballot by initiative. Schwalbach were the chief petitioners.

Financial impact: This measure will have no financial effect on state or local government expenditures or revenues.

Background: In the past two decades, Oregon has seen a number of legislative walkouts by members of the minority party. Most recently, in 2021, 2020 and 2019, Republicans walked out over bills dealing with COVID issues, redistricting, and climate. In 2001 the Democrats were in the minority, and they walked out in a protest about redistricting. Currently, the state constitution authorizes legislative chambers to punish disorderly conduct, including legislative absenteeism, with a two-thirds supermajority vote. Punishment may include the expulsion of a member. The Legislative rules governing absences are voted on by both chambers at the start of each session. Those rules may cover unexcused absences and specify the process for determining excused and unexcused absences. Currently there is no formal definition in Oregon legislative rules concerning what constitutes an “unexcused” absence or how many a legislator can accumulate. To receive approval of an absence, a legislator begins by filing a request explaining the absence. A determination is made by the Senate President or House Speaker. Currently there is no right of appeal against excuse determinations and no requirement for the Senate President or House Speaker to formally explain their decision.

A YES vote means: If this measure passes, it would disqualify legislators with ten or more unexcused absences from legislative floor sessions from holding office as a legislator for the term following their current term of office. Absences from committee meetings would not count toward the ten unexcused absences.

A NO vote means: If this measure fails, the existing law would be retained. Legislators’ attendance can be compelled by current legislative rules. Absent legislators may be punished by the legislative chamber (and potentially expelled by a two-thirds majority vote).

Supporters say: There have been 6 walkouts since 2019. The problem can’t be solved legislatively because opponents can simply walk out before anything is accomplished. Walkouts in the recent past affecting all Oregonians have prevented action on affordable housing, COVID relief, gun safety, school funding, and wildfire mitigation. Politicians should be held to the same standards as the rest of us. And that means real consequences when they don’t show up to do the job we elected them to do.

Opponents say: The minority party may feel that walkouts are their only recourse when constituents feel strongly that their point of view is not being heard. The measure puts too much power in the hands of the President of the Senate and the Speaker of the House to decide what constitutes an excused absence. Walkouts are a legislative tool in the procedural toolkit that legislators should be able to use.

114: Changes to Firearms Ownership and Purchase Requirements

Ballot title: Requires permit to acquire firearms; police maintain permit/firearm database; criminally prohibits certain magazines; exceptions.

Initiative: This measure is a statutory initiative placed on the ballot by initiative petition with 131,671 valid signatures. Walter John Knutson II, Michael Z. Cahana and Marilyn Keller are the chief petitioners; they are members of Lift Every Voice Oregon, a faith-based organization founded in 2019 with the aim of reducing gun violence in Oregon.

Financial impact: The intent of the measure is for permit revenues to cover administrative costs. Although cost estimates were submitted by state and local governments, the Oregon Financial Estimate Committee stated there was uncertainty as to the projected number of permit applications, revenue from those applications, and related administrative costs. The committee therefore concluded that the financial impact for state and local governments is indeterminate.

Estimate of racial/ethnic impact: The Oregon Criminal Justice Commission received a written request from a legislator from each major party to prepare a racial and ethnic impact statement for this measure. The purpose of the statement, in accordance with ORS 137.685, is to describe the effects of the measure on the criminal offender population. Measure 114 modifies four Oregon firearms statutes that impose criminal penalties. However, due to a lack of relevant data, the CJC concluded it is not possible to provide accurate estimates for the racial/ethnic impacts of this measure.

Background: Since 2020 the Oregon State Police has reported a sharp increase in the number of background checks on prospective gun buyers in Oregon. This increase in gun ownership has been accompanied by a spike in overall gun violence, including homicide, violent crime, attempted suicide, suicide and unintentional death and injury. Seventy-seven percent of Oregon's gun deaths since 2020 have been suicides, 23 percentage points higher than the national average.

Several high-profile mass shootings in Oregon have contributed to a greater concern about gun violence. In recent years the Legislature has responded to calls for stricter gun laws by enacting a background check requirement for gun transfers, a "red flag" law allowing the removal of firearms from those who pose a risk to themselves or others, a law allowing firearms to be removed from dating partners in domestic abuse cases, and a law that requires safe storage of firearms and gives certain jurisdictions the ability to ban firearms.

A YES vote means: Passage of the measure would change current firearm laws by requiring a permit to purchase a firearm. The permit, issued by local law enforcement and renewable every five years, would be issued after the applicant passes a background check, completes an approved live-fire safety course, and pays a fee to cover fingerprints and background check processing. Denial of a permit may occur if an applicant is deemed a danger to self or others. Manufacture, sale, use, or possession of large-capacity magazines (over 10 rounds, or readily modifiable to exceed 10 rounds) would become a Class A misdemeanor, with some exceptions for current owners/inheritors, law enforcement and armed services personnel.

A NO vote means: Existing laws would remain in effect, including requiring a seller/ transferor to request a background check before firearm purchase. Current law states that transfer of the firearm may occur after three days if the background check is not completed.

Supporters say: Studies have shown that permits-to-purchase reduce firearm-related injuries and death, and studies have further shown that firearm ownership or access to firearms triples the risk of suicide and doubles the risk of homicide when compared to someone who does not have access. Restrictions on high-capacity magazines during the 10-year federal ban from 1994 to 2004 and the ban in over nine states and the District of Columbia have been found to reduce the number of fatalities and injuries in shooting

incidents. Chief petitioner Mark Knutson says, "I hope it shows how residents in a state can come together from many directions and address the public health crisis of gun violence with common sense and well-put-together legislation."

Opponents say: NRA's Institute for Legislative Action says Measure 114 is "yet another anti-gun ballot initiative that seeks to further erode Second Amendment rights in Oregon. It imposes a permit requirement in order to exercise [that right]. . . . The permit application process includes a one-size-fits-all training mandate, a subjective mental health review, submission of fingerprints, and a fee." Matt Dapkus, a facilities management employee in Lane County government, says, "The reality is that the licensing requirements will essentially end firearm sales in Oregon, at least temporarily, which leaves vulnerable populations unable to secure proper defensive tools for their homes and persons at a time when crime, including violent crime, has and is skyrocketing in Oregon." The executive director of the Oregon Firearms Federation says, "Numerous police departments and sheriff's offices have agreed that complying with this measure will either be exorbitantly expensive or impossible. None have said they will be offering the training required to apply for the permit to purchase, which sheriffs and local police will be tasked with administering."