

# Citizens' Initiative Review of Measure 73

## Citizens' Initiative Review of Ballot Measure 73

The opinions expressed in this statement are those of the members of a citizens panel and were developed through the Citizens' Initiative Review process as adopted by the Oregon State Legislature. They are NOT official opinions or positions endorsed by the State of Oregon or any government agency. A citizens panel is not a judge of the constitutionality or legality of any ballot measure, and any statements about such matters are not binding on a court of law.

### Description of Citizens' Initiative Review

This Citizens' Statement was developed by an independent panel of 24 Oregon voters that chose to participate in the Citizens' Initiative Review process. The panelists were selected at random from the entire voting population of Oregon, and balanced to fairly reflect the state's voting population based upon location of residence, age, gender, party affiliation, education, ethnicity, and likelihood of voting. The panel has issued this statement after five days of hearings and deliberation. This statement has not been edited nor has the content been altered.

### Citizen Statement of a Majority of the Panel:

**Key Findings** –The following are statements about the measure and the number of panelists who agree with each statement:

- M73 shifts the balance of power in court proceedings, giving the prosecution additional leverage in plea bargaining and limiting the judge's discretion in sentencing individual cases. (21 out of 24 agree)
- Passed in 1994, Measure 11 (ORS 137.700) provides mandatory minimum sentencing of 70-300 months for the major felony sex crimes defined in Measure 73. (24 out of 24 agree)
- Mandatory minimum sentencing has not proven a significant deterrent to future DUII or sex crimes. (21 out of 24 agree)
- An unintended consequence of M73 is that juveniles aged 15 to 17 are subject to 25 year mandatory minimum sentences. (20 out of 24 agree)
- Oregon spends over 10.9% of its general funds on corrections – a greater percentage than any other state. (19 out of 24 agree)

[www.review73.org](http://www.review73.org)

### Shared Agreement Statement

Public policy impacts all citizens—we have had the opportunity to closely review material not readily available to voters—and have tried to examine both sides of this measure in an unbiased manner.

For additional information, please see [www.review73.org](http://www.review73.org)

### Citizen Statement Opposed to the Measure:

#### POSITION TAKEN BY **21 OF 24** PANELISTS

We, 21 members of the Citizens' Initiative Review, oppose Ballot Measure 73 for the following reasons:

- Longer mandatory sentencing has little or no effect as a deterrent and has not been proven to increase public safety. Furthermore mandatory sentences are already in effect under Measure 11.
- Measure 73 takes discretion and power away from judges giving leverage to the prosecution. People charged under this measure may be forced to plea bargain whether they are guilty or not, depriving them of their right to trial by jury.
- Measure 73 requires projected expenditures of \$238 million over the next 10 years which must come from cuts in other programs or new taxes.
- This initiative leads to unintended consequences. Sexting falls under the definition of explicit material. No one convicted for felony sex offenses would receive the opportunity for treatment.

### Citizen Statement in Favor of the Measure:

#### POSITION TAKEN BY **3 OF 24** PANELISTS

We, 3 members of the Citizens' Initiative Review, support Ballot Measure 73 for the following reasons:

- This is a public safety measure.
- This measure will take minimum mandatory sentences (70-100 months) on four major sex crimes to mandatory 300 months (25 years).
- This measure changes a third conviction DUII from a misdemeanor to a Class C felony.
- Measure 73 specifically targets only repeat serious sex offenders and repeat (third conviction) intoxicated drivers.
- Statistics support that mandatory sentencing is effective on reduction of violent crime rate.
- Measure 73 will cost only 1/5 of 1% of the General Fund.

Summary: Measure 73 is carefully targeted at repeat violent sex offenders and third time DUII convictions. If passed it would make all Oregonians safer.

# Citizens' Initiative Review of Measure 74

## Citizens' Initiative Review of Ballot Measure 74

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### Description of Citizens' Initiative Review

This Citizens' Statement was developed by an independent panel of 24 Oregon voters that chose to participate in the Citizens' Initiative Review process. The panelists were selected at random from the entire voting population of Oregon, and balanced to fairly reflect the state's voting population based upon location of residence, age, gender, party affiliation, education, ethnicity, and likelihood of voting. The panel has issued this statement, after five days of hearings and deliberation. This statement has not been edited nor has the content been altered.

### Citizen Statement of a Majority of the Panel:

**Key Findings** The following are statements about the measure and the number of panelists who agree with each statement

- The language of the measure lacks clarity on regulation, operation, and enforcement. (23 of 24 agree)
- Medical marijuana provides recognized benefits for many serious conditions, some of which may not respond to other treatments. (21 of 24 agree)
- Dispensaries are non-profit entities licensed to possess, produce, sell, transport, and supply medical marijuana to cardholders and other dispensaries. (23 of 24 agree)
- Oregon Health Authority, with input from an advisory committee and public hearings, shall develop administrative rules. (21 of 24 agree)
- The program is financially self-sustaining and may provide funds for research. (22 of 24 agree)
- The measure shall provide an assistance program for low income cardholding patients to obtain medical marijuana. (21 of 24 agree)

[www.review74.org](http://www.review74.org)

### Shared Agreement Statement

Public policy impacts all citizens—we have had the opportunity to closely review material not readily available to voters—and have tried to examine both sides of this measure in an unbiased manner.

For additional information, please see [www.review74.org](http://www.review74.org)

### Citizen Statement in Favor of the Measure:

POSITION TAKEN BY **13 OF 24** PANELISTS

We, 13 members of the Citizens' Initiative Review, support Ballot Measure 74 for the following reasons:

- Implements a dispensary system for patients to acquire medical marijuana in a timely manner
- Provides improved access to safe, alternative treatment of serious medical conditions while reducing harmful side effects and addiction from opiates
- Generates jobs for residents providing a boost to Oregon's economy
- Self-sustaining program with potential to increase state revenue without imposing new taxes
- Introduces additional regulations and control to an existing program previously approved by Oregon voters
- Statewide public hearings allow for actual voter input in the rule making process

Summary: Measure 74 creates a safe, compassionate and prompt access program for Oregon medical marijuana patients, introduces regulation, and is financially sound.

[www.review74.org](http://www.review74.org).

### Citizen Statement Opposed to the Measure:

POSITION TAKEN BY **11 OF 24** PANELISTS

We, 11 members of the Citizens' Initiative Review, oppose Ballot Measure 74 for the following reasons:

- Proponents are saying **“trust us”** before rules are made.
- Oregonians will **not** have a vote on such critical details as: maximum number of dispensaries, purchase limit for individuals in a given time period, penalties for infractions, and statewide recordkeeping for cardholders.
- Convicted felons can become dispensary directors or employees five years after conviction.
- Dispensary directors and their employees are exempt from prosecution for marijuana related activities when in **“substantial compliance.”**
- **“Substantial compliance”** is not defined or enforceable according to district attorneys and law enforcement.
- Availability of marijuana will increase, inviting illegal activity.

Summary: Measure 74, a thinly veiled attempt to legalize marijuana, has a high probability of being abused!

[www.review74.org](http://www.review74.org).

## **Oregon CIR Citizens' Statement on Ballot Measure 82**

Measure 82 title: "Amends Constitution: Authorizes Establishment of Privately-Owned Casinos; Mandates Percentage of Revenues Payable to Dedicated State Fund."

### **Majority Statement in Opposition to the Measure**

POSITION TAKEN BY 17 OF 24 PANELISTS

We, 17 members of the Citizens' Initiative Review, oppose Ballot Measure 82 for the following reasons:

- Measure 82 changes the Oregon constitution. If this measure passes it will allow more outside influence on gambling within the state. The backers who wrote this measure stand to gain significant profits by changing the Oregon constitution.
- The social impact to the overall culture and values of Oregon are at risk with the added casinos that Measure 82 will allow.
- Changing the Oregon state constitution, with no clear economic benefit to Oregonians, is not worth the possible negative effects to our citizens.
- According to local experts more than 70,000 adult Oregonians have problems with gambling. Our concern is that an increase of private casinos will increase addictions to gambling, alcohol and drugs.
- Measure 82 will negatively impact the revenue generated by tribal casinos traditionally used to support tribal communities, nearby rural areas, non-profits and charitable organizations throughout Oregon.
- Small businesses near private casinos could stand to lose up to 46% of Video Lottery Terminal revenue on average. We believe this loss would have a substantial impact on businesses.
- If Measure 83 passes, the proposed private casino in Multnomah County will negatively impact surrounding communities who have a State vote, but not a local vote. Our concerns are traffic congestion and the possible increase in crime.
- Sustained funding for Oregon education shouldn't be dependent upon our citizens' private casino gambling losses.

### **Minority Statement in Support of the Measure**

POSITION TAKEN BY 7 OF 24 PANELISTS

We, 7 members of the Citizens' Initiative Review, support Ballot Measure 82 for the following reasons:

- Measure 82 changes the Oregon constitution to allow the people of Oregon to decide whether they want private casinos and allows the local communities to vote for or against the measure even if voters approve a casino in a statewide election.
- The current funding structure for K-12 schools in Oregon is not sufficient. Private casinos may provide an additional revenue source for education.
- Private casino construction and operations will result in additional well-paying jobs and property taxes for the local community.
- Research has shown the existence of a casino in a community does not in and of itself increase gambling behavior and does not cause the behavioral problems that many fear.
- A casino is a new tourist attraction and may revitalize the surrounding areas.
- The casino must be developed in an incorporated city and must be owned and operated by an Oregon tax-paying corporation.

- If measure 83 passes and the voters of Wood Village approve the proposed casino, net revenue to State and local governments are estimated to be \$32 million to \$54 million annually to be divided amongst:
  - Public schools
  - Job creation
  - Oregon tribes
  - Problem gambling programs
  - Local and state police
  - City of Wood Village
  - Adjacent cities
  - Parks and natural resources
  - \*Refer to section 3 of Ballot Measure 83

### **Key Findings**

The following are statements about the measure and the number of panelists who agree with each statement.

- Economists disagree on the long term economic impact of private casinos in Oregon. (22)
- For every dollar of revenue from Video Lottery Terminals, about 65 cents goes to the State lottery. In addition, under Measure 82, for every dollar of revenue produced by private casinos, 25 cents would go to the State lottery. (24)
- Private casinos could negatively affect the gaming revenues of the tribal casinos and the communities they support. (20)
- The Oregon Lottery and businesses with Oregon Video Lottery Terminals that are located within a close proximity of a private casino would likely lose money. (23)
- According to the “Measure 82 Estimate of Financial Impact” Measure 82 will have an unknown impact on state revenue, however, 25% of a private casino’s adjusted gross revenue will be given to the State of Oregon for specified purposes. (22)
- In Oregon, the state government has compacts with all nine Tribal governments, however, those agreements do not prohibit private casinos. (24)

### **Additional Policy Considerations**

The following are statements about the subject matter or fiscal considerations related to the measure and the number of panelists who agree with each statement.

- If Measure 83 passes, approximately 2,000 full-time jobs with benefits may be created; however, jobs could be lost at tribal casinos and small businesses as well. (22)

## Oregon CIR Citizens' Statement on Measure 85

Ballot Measure 85 title: "Amends Constitution: Allocates Corporate Income/Excise Tax "Kicker" Refund To Additionally Fund K Through 12 Public Education."

### Majority Statement in Support of the Measure

POSITION TAKEN BY 19 OF 24 PANELISTS

We, 19 members of the Citizens' Initiative Review, support Ballot Measure 85 for the following reasons:

- Measure 85 does not affect the personal "kicker" and does not increase personal or corporate taxes.
- There is broad bipartisan agreement that the corporate "kicker" is not good public policy. It is unreasonable to refund legally due taxes to corporations as a result of inaccurate revenue projections. We believe Measure 85 is an improvement to current policy.
- Measure 85 would keep the corporate "kicker" dollars in the Oregon economy instead of issuing tax credits to corporations headquartered out of state.
- The intent of this measure is for 100% of the "kicker" to go to K-12 education. Despite the potential for General Funds to be redirected, the wording in the measure specifies the funding would be in addition to and not replace current education funds.
- The K-12 budget is declining due to inflation, the funding of other services, and increased costs. The passage of Measure 85 would demonstrate Oregon's commitment to improving education.
- Oregonians and Oregon businesses benefit from keeping money in the state.

### Minority Statement in Opposition to the Measure

POSITION TAKEN BY 5 OF 24 PANELISTS

We, 5 members of the Citizens' Initiative Review, oppose Ballot Measure 85 for the following reasons:

- As written, Measure 85 cannot assure additional funding for K-12 and may give the public the perception that tax policy and K-12 school funding issues have been solved thus inhibiting the discussion for future, comprehensive budget reform. The Legislature retains control and discretion of the General Fund.
- Measure 85 removes the flexibility to place corporate kicker funds into a rainy day or other reserve fund for future use.
- Due to the history of infrequent Kicker payouts, they are too random and cannot be considered as a reliable source of income.
- Over a 30 year period, Oregon Legislators have, on average, spent 99% of the available General Funds. Demonstrating an inability to prepare for budget shortfalls.
- Over a 30 year period, Oregon Legislators have, on average, Measure 85 seeks to change the Oregon constitution and should not be passed without serious consideration. This measure removes the flexibility to use the corporate kicker funds where they are most needed at the time of the distribution. We feel that this measure creates an illusion that it is "fixing" the current K-12 economic situation in Oregon. Having spent the majority of the available general funds over the last three decades the Legislature has demonstrated that "if you send it, they will spend it." We feel that real reform is the answer and Measure 85 does not "measure" up.

## **Key Findings**

The following are statements about the measure and the number of panelists who agree with each statement.

- The corporate “kicker” funds are not guaranteed to increase K-12 funding because of the Legislature’s discretionary spending of the General Fund. This ballot measure earmarks the corporate “kicker” to fund K-12 education, but does not prevent the redirecting of current funding resources to other non-education budgets. (24)
- The corporate “kicker” has had no effect on the stability of Oregon revenue due to its unreliability. (22)
- The corporate “kicker” has the potential to stabilize State spending by introducing unexpected revenues to fill in funding gaps (Oregon Office of Economic Analysis). (24)
- There is no evidence that the corporate “kicker” benefits or harms corporations. (19)

## **Additional Policy Considerations**

The following are statements about the subject matter or fiscal considerations related to the measure and the number of panelists who agree with each statement.

- The corporate “kicker” has been triggered 8 times over the past 16 budget periods making it an unreliable source of school funding. (24)
- Oregon tax revenues vary greatly in each budget cycle making future revenue predictions difficult. (23)
- Oregon Legislators have spent, on average, 99% of the available General Fund monies each budget cycle (General Fund Budget History). (21)
- Corporate businesses learn about the “kicker” after their operating period, therefore it has no effect on business decisions (Sierra Institute of Applied Economics). (18)
- Corporate businesses do not expect or depend on corporate “kicker” credits. (22)
- Since 2003, the percentage of the General Fund spent on K-12 education has changed from 44.8% to the current 39.1%. (23)

**Citizens’ Initiative Review of Ballot Measure 90**

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**Description of Citizens’ Initiative Review**

This statement was developed by an independent panel of 19\* Oregon voters, chosen at random from the voting population of Oregon, and balanced to fairly reflect the state’s voting population. The panel has issued this statement after three and a half days of hearings and deliberation. This statement has not been edited nor has the content been altered.

**Key Findings**

- Under M90, no political party could restrict non-members from voting for its candidates during the primary.
- Most elections are currently decided in low turnout primaries. Candidates have won races with as little as 7% of total voters in a district. M90 increases competition among primary candidates allowing the primary voters to vote at their discretion, regardless of party registration.
- Currently, every party has the right to have a candidate on General Election Ballot. M90 changes that and allows only the top two primary vote receiving candidates to advance to general election
- Proponents do not predict that M90 would increase voter participation. They are encouraged that M90 would give all registered voters the opportunity to vote for any candidate in primary races.
- M90 gives a real choice to more Oregonians – those Democrats and Republicans who live in districts dominated by the other party. Their party’s candidates for key offices have no real chance in the General election.
- M90 could allow 499,335 Oregonians who have not registered as a Democrat or Republican to fully participate in May Primary Elections. These Oregonians represent a large and growing share of the electorate.
- M90 decreases choice in General Election for all voters.
- The Top Two system is the only election method in use throughout the country that allows only two candidates in the General Election.

These findings have been agreed to by a supermajority of the panel.

**Citizen Statement in Support of the Measure**

We, 5 members of the Oregon Citizens’ Initiative Review, support Measure 90 for the following reasons:

- M90 treats all voters equally in every election. Regardless of how Oregonians’ political views may differ every voter should have equal rights in every election. How or if they align with political parties shouldn’t affect their rights as citizens.
- While all Oregon taxpayers fund the May primary election, voters who don’t register as a Democrat or Republican are currently not allowed to participate in primaries of the major parties. M90 would allow any registered voters to vote for primary candidates of the major parties.
- Under M90 all registered voters would have the unrestricted right to vote for any primary candidate.
- Most elections are currently decided in low turnout primaries. Candidates have won races with as little as 7% of total voters in a district. M90 increases competition among primary candidates allowing the primary voters to vote at their discretion, regardless of party registration.
- M90 differs from the Top Two systems of California and Washington, because it allows voters to see candidates’ personal party registration and all party endorsements that s/he accepts. This information helps voters understand candidates’ views and allies.

A minority of panelists favored this position.

**Citizen Statement in Opposition to the Measure**

We, 14 members of the Oregon Citizens’ Initiative Review, oppose Measure 90 for the following reasons:

- A broad coalition opposes M90, including at least two election reform groups, as well as major and minor political parties.
- M90 limits the voice of minority voters, minor parties, and grassroots campaigns. A diverse electorate needs choice & diversity in the General Election.
- M90 has several drafting errors. The most significant appears to eliminate minor parties. Because M90 bars parties from nominating candidates, their legal status is in jeopardy. Another error could allow candidates with more than 50% of the primary vote to automatically win their election without a November run-off.
- Home Rule counties have their own election systems independent of the statewide system. M90 could result in a confusing patchwork of contradictory election rules – candidates could have different rules in different areas of their district.
- Turnout in Primary Elections is much lower than General Elections. M90 decreases choice in the General Election for all voters. Nationwide, Primary turnout has fallen to less than 15%, including Top Two states.

A majority of panelists favored this position.

\*Note: One member of the 20-citizen panel had to resign for medical reasons.

## Citizens' Initiative Review of Ballot Measure 92

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## Description of Citizens' Initiative Review

This statement was developed by an independent panel of 20 Oregon voters, chosen at random from the voting population of Oregon, and balanced to fairly reflect the state's voting population. The panel has issued this statement after three and a half days of hearings and deliberation. This statement has not been edited nor has the content been altered.

## Key Findings

- Labeling genetically engineered foods would provide information to let Oregonians make more informed buying decisions and this would offer them more control and transparency over their food purchasing decisions.
- The labeling requirements do not apply to alcoholic beverages, or prepared restaurant food because they are currently outside the food labeling system laws.
- Regardless of M92, consumers seeking GMO-free food can purchase items labeled non-GMO or organic.
- 64 countries, including most of Europe, Australia and Japan, already require labeling of genetically engineered foods and when those countries switched to requiring labeling food prices did not go up.
- The costs of actual labeling are a tiny fraction of the costs of compliance and certification. The bulk of private costs arise in segregation of products along the supply chain.
- Under M92, if passed, meat and dairy products from animals that have been raised and fed with genetically engineered feed and grain will not be labeled GE.
- Labels required by Measure 92 would NOT tell consumers which ingredients in a packaged food product are GMOs, or what percentage of the product is GMO ingredients.
- If we are going to sell GMO salmon that contain genes from an eel-like organism (something the FDA may soon approve), or other engineered fish or meat now in development, we should label them.
- Importantly, these costs will be borne by firms and consumers for both GM and non-GM foods as labeling foods as non-GM will require oversight costs.
- U.S. food producers already label their GMO foods in 64 countries.

## Citizen Statement in Support of the Measure

We, 9 members of the Oregon Citizens' Initiative Review, support Measure 92 for the following reasons:

- M92 would offer Oregonians more control and transparency over our food purchasing decisions and does not act as a warning or ban.
- Labeling genetically engineered crops could benefit Oregon family farmers that grow traditional crops by increasing public demand for crops that are not genetically engineered.
- U.S. food producers already label their GMO food in 64 countries, including Australia, Japan, and most of Europe.
- There is mounting scientific evidence that the widespread use of genetically engineered crops designed to survive large amounts of herbicide spraying is leading to a large increase in the use of these chemicals.
- A national consumer organization and a regional medical organization have stated that there are still questions about the long-term health effects of genetically engineered crops.

A **minority** of panelists favored this position.

## Citizen Statement in Opposition to the Measure

We, 11 members of the Oregon Citizens' Initiative Review, oppose Measure 92 for the following reasons:

- Under M92, if passed, meat and dairy products from animals that have been raised and fed with genetically engineered feed and grain will not be labeled GM.
- The costs of actual labeling are a tiny fraction of the costs of compliance and certification.
- Labels required by Measure 92 would NOT tell consumers which ingredients in a packaged food product are GMOs, or what percentage of the product is GMO ingredients.
- Existing food labels already give consumers a more reliable way to choose foods without GE ingredients if that is what they prefer, including "organic" and "non-GMO" labels. Measure 92 conflicts with these national labeling standards.
- Thousands of food products would have to be labeled as "genetically engineered" – even if they're not. Thousands of other food products would be exempt from being labeled – even when they do contain or are produced with GMOs.

A **majority** of panelists favored this position.



## 2014 Jackson County CIR Citizens' Statement

Measure 15-119, Jackson County

“Ordinance to Ban Growing of Some ‘Genetically – Engineered’ (defined) Plants.”

### Key Findings about Measure 15-119

*The Following Findings were established by a Super-majority of the Panel:*

- 15-119 prohibits growing of genetically engineered crops in Jackson County. It protects family farmers from serious risk that their crops will be contaminated by genetically engineered crop pollen that is patented and controlled by large out-of-state chemical corporations.
- It is a violation of federal patent law for any farmer to save and plant or sell a seed that was produced from genetically engineered pollen, even if that pollen drifts onto the farmer's field. This undermines a farmer's ability to save seeds to use for the next year's crops or sell the seeds on the lucrative commercial seed market.
- Any seed produced from genetically engineered pollen is considered legally patented and controlled by the chemical corporation that owns the patent on that crop.
- This is a long term public policy decision with impacts for every citizen of this county.
- The Family Farms Measure 15-119 was proposed after family farmers were being forced to destroy seed crops after learning that a multinational chemical company had planted genetically engineered sugar beets near their fields.
- There's no practical way to stop genetically engineered pollen and seed from trespassing onto traditional farms since there's no way to stop the wind and other sources of pollen transport.
- 15-119 gives the County and farmers “the authority to enforce” the measure but doesn't require any minimum level of enforcement. The County has full discretion on whether it will enforce the measure. In other counties that have had similar measures in place there have been neither violations nor enforcement costs.
- The measure will be implemented by Jackson County Commission and administered and enforced by the county.
- Plaintiff will need to be able to document damages and prove conclusively that there was contamination. Sampling and testing may be required, but it would be the plaintiff's responsibility to fund such testing if needed. A Defendant may have legal costs if they contest an enforcement action; and, if they are found to have violated the Measure, they may face costs of crop destruction and lost value of sales. If a defendant challenged a County enforcement, the County could have legal costs in defending its action in the case.
- There is extensive misinformation on GMOs and their negative consequences. The large majority of mainstream science as seen in extensive literature and endorsements by major scientific and health societies and reports support the safety and value of available GMO crops and food; they do not support blanket acceptance nor rejection.

## Citizens' Initiative Review of Proposition 487: Pension reform

Key Findings / Pros & Cons (Sept. 21, 2014)

### Citizens' Initiative Review of Proposition 487

This Citizens' Statement was developed by an independent panel of 20 City of Phoenix voters, chosen at random from the voting population of Phoenix and balanced to fairly reflect Phoenix demographics. The panel has issued this statement after 3.5 days of hearings and deliberation. This statement has not been edited nor has the content been altered.

#### Key Findings

- In 2013 Phoenix voters passed pension reform backed by both the firefighters and the business community. The measure raised employee contributions to their retirement accounts and required employees to work longer before getting a pension. Additionally, contract negotiations addressed many of the pension spiking concerns.
- Adopting a defined contribution plan for new city employees offers more control to the employee over their retirement plan. Under Proposition 487, the city will deposit an amount less than or equal to 8% of an employee's salary, and the employee will have the option, but will not be required to contribute. This allows the city more predictability in budgeting.
- Transitioning employees into a 401K style defined contribution system can make city budgeting more predictable, which may help the City of Phoenix encourage business and job growth.
- Both sides expect legal challenges due to the unclear language of Proposition 487, which may delay the implementation of the Proposition and incur legal costs to the City of Phoenix.
- Police and firefighters are covered under a state retirement program. They do not receive social security and are not intended to be affected by Proposition 487. However, as written, Proposition 487's impact on police and firefighters is unclear, and may contribute to unintended financial and legal consequences for employees, the city, and taxpayers.
- The City of Phoenix Employee Retirement System (COPERS) board retained legal counsel to review Proposition 487. Based on that analysis, they determined that only one section would not likely be challenged legally. According to that review, Proposition 487 will cost the taxpayers \$350 million.
- When the City Council requested a full review of the entire proposition, actuaries found it would save taxpayers up to \$500 million.
- According to city statistics, the average pension of a civilian City of Phoenix retiree retiring under City of Phoenix Employee Retirement System (COPERS) is less than \$30,000 per year.
- In 2013, the City of Phoenix pension system was funded at 64% due to factors related to the economy. According to the deputy city manager, the City of Phoenix has been contributing 100 % of the actuary-recommended amount to the fund. If the fund remains at 64%, this could lead to cuts to city services and increased tax liability.
- Proposition 487 should end the practice of pension spiking, which is adding non-base compensation to the pension calculation. This results in significant savings to the city and taxpayers. The city's own actuarial analysis shows that by limiting pensionable pay to the employee's base salary may save taxpayers \$385 million over the first 20 years.

These findings were agreed to by a supermajority of the citizen panel.

## **Citizen Statement in Support of the Measure**

- Proposition 487 better aligns retirement benefits that new city employees will receive with what is typical in the private sector without diminishing what current employees and retirees receive.
- A ballot measure approved by the voters in March 2013 made changes to the current pension system. Proposition 487 gives the voters a chance to make additional reform while continuing to honor previous commitments to current employees and retirees.
- In 2013, the City of Phoenix pension system was funded at 64% which has contributed to an increase to taxpayer liability. Continuing to fund at this rate could lead to cuts to city services and increased taxes and fees.
- Adopting a 401K style defined contribution plan for new city employees offers more control to the employee over their retirement planning.
- Proposition 487 should end the practice of pension spiking, which is adding non-base compensation to the pension calculation. Ending pension spiking will result in significant savings to the city and taxpayers. The city's own actuarial analysis shows that limiting pensionable pay to the employee's base salary may save taxpayers \$385 million over the first 20 years.

These statements were agreed to by a supermajority of the citizen panel.

## **Citizen Statement in Opposition to the Measure**

- Police and firefighters are covered under a state retirement program. They do not receive Social Security and are not intended to be affected by Proposition 487. However, as written, Proposition 487's impact on police and firefighters is unclear, and may contribute to unintended financial and legal consequences for employees, the city, and taxpayers.
- Both sides expect legal challenges due to the unclear language of Proposition 487, which may delay implementation of the proposition and incur legal costs to the City of Phoenix.
- In 2013 Phoenix voters passed pension reform backed by both firefighters and the business community. The measure raised new city employee contributions to their retirement accounts and required employees to work longer before being eligible for a pension. Additionally, contract negotiations addressed many of the pension spiking concerns.
- Retirement benefits for City of Phoenix workers do not make the majority of employees any more than middle class. According to city statistics, the average pension of a civilian City of Phoenix retiree retiring under City of Phoenix Employee Retirement System (COPERS) is less than \$30,000 per year.
- Proposition 487 has been written and funded by the Arizona Free Enterprise Club, which does not share the source of its financial support.

These statements were agreed to by a supermajority of the citizen panel.

# Citizens' Initiative Review of Proposition 105

This Citizens' Statement was developed by an independent panel of 20 Colorado voters, chosen at random from the voting population of Colorado, and balanced to fairly reflect the state's voting population. The panel has issued this statement after 3.5 days of hearings and deliberation. This statement has not been edited nor has the content been altered.

## Key Findings

- Sixty-four countries around the world require GMO labeling, and 16 of the top 25 countries that import Colorado food products require GMO labeling. Many US food manufacturers already label their foods that contain GMOs for export to these countries.
- Labels required by Proposition 105 would not tell consumers which ingredients in a packaged food product are GMOs, or what percentage of the product is GMO ingredients.
- Existing food labels already give consumers a reliable way to choose foods without GE ingredients, such as "organic" and "non-GMO" labels.
- Approximately 2/3 of the foods and beverages we buy and consume would be exempt. Meat and dairy products would be exempt even if they come from animals raised on GMO feed and grain. All alcoholic beverages, food for immediate consumption served in restaurants and other institutions would also be exempt, even if they contain GMO ingredients.
- Proposition 105 is not a ban or a warning on GMOs. The proposition proposes labeling only.
- Genetic modification takes certain genes from one species and puts them into a different species. This is different from hybridization, which is a cross between two naturally compatible varieties within the same species.
- Proposition 105 would not give consumers reliable information about which foods contain GMOs and which don't. Many foods would require labels even if they don't contain GMOs. Others would be exempt even if they contain or are made with GMOs.
- Prop 105 will require imported/out of state products to comply with Colorado GMO labeling requirements.
- Documenting and labeling foods as GM will require oversight, compliance, record keeping, and handling, and therefore may increase costs for farmers, food producers and consumers.
- No long-term epidemiological studies in humans have been carried out to determine whether there are any health effects associated with GM food consumption.

These findings were agreed to by a supermajority of the panel.

### Citizen Statement in Support of the Measure

11 of 20 panelists took this position:

- Under Proposition 105, labeling genetically engineered foods would provide basic information to let Coloradans make more informed buying decisions, offering more choice and control over the transparency of their food purchasing decisions.
- State law allows one issue to be addressed per amendment title. Alcohol, foods for immediate consumption and foods derived entirely from animals are exempt since they are regulated under different statutes.
- Sixty-four countries around the world require GMO labeling, and 16 of the top 25 countries that import Colorado food products require GMO labeling. Many US food manufacturers already label their foods that contain GMOs for export to these countries.
- Once the rules are in place, staffing, computer software maintenance, and food sampling and testing are estimated to cost \$130,000 annually.
- Proposition 105 is not a ban or a warning on GMOs. The proposition proposes labeling only.

### Citizen Statement in Opposition to the Measure

9 of 20 panelists took this position:

- Labels required by Proposition 105 would NOT tell consumers which ingredients in a packaged food product are GMOs, or what percentage of the product is GMO ingredients.
- Proposition 105 would impact Colorado farmers and food producers, potentially increasing costs and putting our farmers and businesses at a competitive disadvantage. Businesses would have added costs for record-keeping, verification and handling systems, and may require segregation of crops
- Proposition 105 would not give consumers reliable information about which foods contain GMOs and which don't. Many foods would require labels even if they don't contain GMOs. Others would be exempt even if they contain or are made with GMOs.
- Mandatory single-state labeling systems may impose higher costs on farmers and businesses producing and selling products in the state. These costs may be passed on to consumers, possibly resulting in higher food prices.
- Food products would have to be labeled as "genetically engineered" – even if they're not. Other food products would be exempt from being labeled – even when they do contain or are produced with GMOs.



This Citizens' Statement is authored by an independent panel of 22 voters who participated in the Arizona Citizens' Initiative Review, Aug. 11-14, 2016 in Phoenix. CIR Panelists were randomly selected from registered voters in Arizona and balanced to fairly reflect the state's electorate and population. Pros & cons and the opinions expressed in this statement are those only of citizen panel members, developed through the CIR process as facilitated by Morrison Institute for Public Policy at Arizona State University. They are not official opinions or positions of Morrison Institute, ASU, the Arizona Citizens Clean Elections Commission, the Arizona Secretary of State's office, Healthy Democracy or any government agency. This final statement has not been altered.

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### **Key Findings**

These findings were ranked by citizen panelists, starting with the most important for voters to know.

- The initiative enacts a 15% tax on retail sales, allocated to K-12, full-day kindergarten programs, & education programs on relative harms of alcohol, marijuana, & other substances. Reports show that it would generate over \$80 million a year.
- A regulated system of legal sales creates economic opportunities to grow our economy and will create new jobs in our state. Other states with regulated marijuana have seen an economic benefit in legal sales and an increase in tax revenue.
- Compared to other controlled substances marijuana is less toxic, less harmful to the body and less likely to contribute to violent/reckless behavior. The CDC has determined marijuana causes less dependence than other controlled substances.
- Dispensaries must be located 500 feet or greater from all Pre K-thru 12 grades/programs, including adjacent recreational fenced-in facilities.
- Allowing legal, regulated sales for adults would stifle the criminal market. As some states have legalized recreational marijuana, confiscations of the drug along the southwest border has declined.

### **Statement in Support of the Measure**

As members of the 2016 Arizona Citizens' Initiative Review, we find the following statements as potential reasons to vote "yes" on the Arizona Regulation and Taxation of Marijuana Act:

- Drug-testing policies that are legal now will remain legal. The initiative protects employer's rights to enforce drug free policies and property owners and landlords will have the right to prohibit marijuana from being grown on their property.
- Prohibition policy has been a failure at keeping marijuana away from youth. This measure puts marijuana behind the counter & restricts its sale to adults only.
- Marijuana prohibition has been inefficient, wasteful, & counterproductive. This measure will bring much needed product standards & safeguards for consumers.

Prop 205 assures Arizonans of the societal and economic benefits to be gained by legalizing marijuana for recreational use. Safety, reassurance, and transparency are the core values incorporated in this measure.

### **Statement in Opposition to the Measure**

As members of the 2016 Arizona Citizens' Initiative Review, we find the following statements as potential reasons to vote "no" on the Arizona Regulation and Taxation of Marijuana Act:

- Packaged and labeled edibles which resemble popular, colorful candies, gummies, and snacks will be sold in recreational marijuana retail stores.
- Recreational marijuana may impact public safety since Arizona currently does not utilize a breathalyzer type device to detect impairment.
- Implementation of the initiative by the Dept. of Marijuana Licenses and Control will determine how it impacts the community, not the Governor or Legislature.

The safety and health of Arizonans should take priority over the financial benefits of Prop 205 (Regulation and Taxation of Marijuana Act). The future of recreational marijuana has the potential to negatively impact our communities and our youth. Safety, justice, and community are the core values at stake in this matter.

# **Arizona Citizens' Initiative Review**

## **Citizens' Statement on**

### **Prop 205: Regulation and Taxation of Marijuana Act**

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#### **Statement in Support of the Measure**

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#### **Statement in Opposition to the Measure**

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- Recreational marijuana may impact public safety since Arizona currently does not utilize a breathalyzer type device to detect impairment.
- Implementation of the initiative by the Dept. of Marijuana Licenses and Control will determine how it impacts the community, not the Governor or Legislature.

**CIR citizen panelists selected, edited and listed the following statements, starting with the most important that they believe Arizona voters should know about Proposition 205:**

- The initiative enacts a 15% tax on retail sales, allocated to K-12, full-day kindergarten programs, & education programs on relative harms of alcohol, marijuana, & other substances. Reports show that it could generate over \$80 million a year.
- A regulated system of legal sales creates economic opportunities to grow our economy and will create new jobs in our state. Other states with regulated marijuana have seen an economic benefit in legal sales and an increase in tax revenue.
- Compared to other controlled substances marijuana is less toxic, less harmful to the body and less likely to contribute to violent/reckless behavior. The CDC has determined marijuana causes less dependence than other controlled substances.
- Dispensaries must be located 500 feet or greater from all Pre K-thru 12 grades/programs, including adjacent recreational fenced-in facilities.
- Allowing legal, regulated sales for adults could stifle the criminal market. As some states have legalized recreational marijuana, confiscations of the drug along the Southwest border have declined.

## Citizens' Review Statement

This Citizens' Statement, authorized by the 2011 State Legislature, was developed by an independent panel of 20 Oregon voters overseen by the Citizens' Initiative Review Commission. The panelists were randomly selected from registered voters in Oregon and balanced to fairly reflect the state's electorate based on location of residence, party registration, age, gender, education, race and ethnicity, and likelihood of voting. Over a period of four days, the panel heard from initiative proponents, opponents, and independent experts. The panelists deliberated about the measure and produced this statement. This statement has not been edited, altered, or approved by the Secretary of State.

The opinions expressed in this statement are those of the members of a citizen panel and were developed through the citizens' review process. They are NOT official opinions or positions endorsed by the State of Oregon or any government agency. A citizen panel is not a judge of the constitutionality or legality of any ballot measure, and any statements about such matters are not binding in a court of law.

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### Key Findings

These findings were ranked by citizen panelists, starting with the most important for voters to know.

- Measure 97 is an amendment to an existing law (ORS 317.090), that would revise the minimum corporate income tax for C-corporations making over \$25 million in Oregon sales.
- The revenue generated by Measure 97 can be utilized according to the priorities identified by the Oregon legislature.
- If passed, the estimated 6 billion dollars generated would represent a 25% increase in overall state revenue biennially.
- Approximately 80% of the state budget is already in education & health care, so there is a strong propensity for money to go to those areas if M97 passes.
- M97 raises the corporate minimum tax on sales above \$25 million on large and/or out-of-state C corporations, affecting less than 1% of businesses in Oregon.
- Our state's primary revenue is generated from income tax, which can be volatile. If passed, this could provide more economic stability.
- M97 taxes sales, not profits. It would require C corporations to pay 2.5% on sales over \$25 million, even when they make no profit or lose money. That could hurt C corporations that have slim margins; like grocery stores, medical clinics and some farms.
- If a business chooses to leave Oregon and continues to do business in the state they will still be subject to the corporate tax.
- According to Roberta Mann, a law professor at the University of Oregon, if this measure passes, it is likely that 75% of the tax burden would be borne by shareholders & investors rather than being reflected in increased pricing for goods & services.

### Statement in Support of the Measure

We, 11 members of the Citizens' Initiative Review, support Measure 97 for the following reasons:

- Measure 97 would raise \$3 billion annually, allowing for major investments in education, healthcare, and senior services. This revenue could improve Oregon's low graduation rates, make healthcare more accessible, and provide 20,000 more seniors with in-home care.
- Oregon schools & critical services have been underfunded for decades. According to accounting firm Ernst & Young, Oregon ranks last (50th) with the lowest rate of corporate taxation in the country. To increase the ranking to 49th, the state would need to raise an additional \$1.5 billion a year in corporate tax revenue.
- Oregon state expenditures are growing faster than tax revenue, according to Mark McMullen, State Economist, and Ken Rocco, Oregon Legislative Fiscal Officer.
- Each corporation that would be subject to the taxes under Measure 97 would have the opportunity to write off their state taxes against their federal tax.
- Without new revenue sources, Oregon faces an estimated \$750 million a year of new budget cuts. Measure 97 could raise \$3 billion a year to fund education, healthcare, and senior services, as determined by the legislature.

We are currently in a crisis of underfunded public education, healthcare, and senior services. The passage of Measure 97 would quickly fix this. The measure would provide a more stable economic base for all Oregonians. We believe that fairness, responsibility, and accountability are the core values at stake in this matter.

(11 of 20 panelists took this position)

### Statement in Opposition to the Measure

We, 9 members of the Citizens' Initiative Review, are opposed to Measure 97 for the following reasons:

- A nonpartisan study by the Legislative Revenue Office says M97's tax could increase costs consumers pay for essential goods and services, costing a typical family \$600 more per year.
- The Legislative Revenue Office report stated that if M97 passes it could result in a 1% lack of creation of jobs.
- The estimated overall impact of M97 is based on an assumption that consumers would receive 50% of the burden, however the actual burden on consumers cannot be determined.
- A nonpartisan Legislative Revenue Office study shows 97's tax is regressive. It could increase consumer costs for food, medicine, clothing, housing, utilities and other essential goods and services.

The passage of M97 would create a regressive tax. A regressive tax takes a larger percentage of income from low income earners creating an unnecessary burden on many Oregon families. One of the major risks of passing M97 is significant job loss. Another result of passing M97 could be a large increase in costs to corporations resulting in increased costs to consumers. This could lead to decreased economic stability and bring financial harm to all Oregonians. Efficiency, transparency, and fairness are the core values at stake in this matter.

(9 of 20 panelists took this position)

Disclaimer: This vote indicates that if this microcosm of people, who are reflective of the demographics of Oregon, were to vote on this measure today, this is how they would vote.

# **Massachusetts Citizens Initiative Review Pilot Project**

## **Explanatory Note**

This Citizens' Statement on Question 4 was written by an independent panel of 20 Massachusetts voters through the Massachusetts Citizens' Initiative Review Pilot Project. It includes information about Question 4 that the panel considered reliable and important for their fellow voters to know.

The Citizens' Initiative Review (CIR) system brings together a diverse group of voters to conduct an in-depth study of a ballot question and share their findings with their fellow voters. It originated in Oregon and has been used in that state's elections since 2011.

The CIR system is now being tested in Massachusetts to see if it will benefit voters in this state. The 2016 Massachusetts CIR Pilot Project is being carried out through a partnership between the office of State Representative Jonathan Hecht, Tufts University's Tisch College of Civic Life, and Healthy Democracy, the organization that pioneered CIR in Oregon.

The panel of 20 was formed from a pool of 10,000 randomly selected Massachusetts voters using a scientific method to ensure it is representative of the overall electorate (based on place of residence, party affiliation, age, gender, educational attainment, and race and ethnicity). Over four days in late August 2016, the panel heard from the campaigns supporting and opposing Question 4 and relevant policy experts, deliberated among themselves with the help of professional facilitators, and produced this Citizens' Statement.

The views expressed in the Citizens' Statement are solely those of the Massachusetts CIR panel. They are not the opinions or positions of Representative Hecht, Tisch College, Healthy Democracy, the Commonwealth of Massachusetts, or any government agency.

To learn more about the Massachusetts CIR Pilot Project, please go to: [www.cirmass2016.org](http://www.cirmass2016.org).

# Citizen Statement

## Key Findings

The following findings are ranked in order of importance as determined by the citizen panel, from most to least important.

- Question 4 provides significant control to city and town authorities by allowing safeguards on the operations of marijuana establishments. It protects business and landlord rights and it prohibits marijuana consumption in public areas.
- Question 4's taxed and regulated system is modeled after the State's system for alcohol regulation. It replicates a system that is already working well in the State. The proposed system would be controlled, transparent and accountable.
- Question 4 allows people to grow a limited number of marijuana plants in his or her home under lock and key for personal use. Sale of homegrown marijuana is still illegal.
- Replacing the current marijuana policy in Massachusetts with a regulated and taxed system allows limited legal possession to persons 21 and over.
- Legalization would prohibit marketing and branding toward children, as with alcohol and tobacco.

## Statement in Support of Question 4

The citizen panel considers these to be the strongest reasons for supporting Question 4:

- Legalized and regulated marijuana is safer than black market marijuana because the legalized product will be tested and clearly labeled according to state regulations.
- Question 4 will create a large number of regulatory, law enforcement, legal, and licensure jobs that are supported by taxes on the sale of marijuana.
- Question 4 would give patients and health providers ready access to marijuana without committing a crime. Legalization could help people avoid opiates, addiction and worse problems.

Question 4 legalizes recreational marijuana in the Commonwealth, creating new jobs and adding to the Massachusetts economy. This initiative includes measures for economic sustainability, regulatory responsibility and ensures access to safe products.

Safety, responsibility, justice, fairness and freedom are the basic values at stake in this matter.

## Statement in Opposition to Question 4

The citizen panel considers these to be the strongest reasons for opposing Question 4:

- According to the executive director of marijuana policy for Denver, after legalization, the black market continues to thrive and change.
- Although in development, at this time there is no definitive method of testing for impaired drivers.
- There is conflicting evidence of an increase in teen use or motor vehicle accidents in states that have legalized recreational use.
- Question 4 will create a large number of regulatory, law enforcement, legal, and licensure jobs that are supported by taxes on the sale of marijuana.

This referendum proposes a questionable means of legalizing recreational marijuana. There is a lack of transparency as many regulatory policies and procedures will not be defined until after the passage of the referendum. The long-term effects of recreational marijuana use on society, not fully understood, present a threat to our communities and roadways. There is a lack of credible evidence regarding the financial stability and economic gains. The many unknowns in this referendum make it difficult to support Question 4 at this time.

Safety, responsibility, and public health and welfare are the core values at stake in this matter.