

The Oregon System

One hundred years ago, Oregon led the way in developing the initiative, the referendum, and the recall, as ways to provide more direct democracy to the people and to empower the people in circumstances where elected officials were not responding to the public interest.

What is generally called the Initiative Process actually consists of three parts:

- The initiative, itself, where citizens can circulate a petition, gather signatures, and put a given proposed statutory change or constitutional amendment on the ballot. An initiative to put a statutory change on the ballot requires valid signatures equivalent to 6% of the persons who voted in the last race for governor. An initiative to put a constitutional amendment on the ballot requires signatures equivalent to 8% of the number of people who voted for governor in the last election.
- A referendum occurs when citizens are unhappy with a bill passed by the legislature. After passage of the bill, citizens can force the legislation to a vote of the people by gathering signatures equivalent to 4% of the number of voters who voted in the last race for governor. Submitting such a petition with sufficient signatures means that the statute passed by the legislature does not go into effect; it is delayed until the statute is put on the ballot, with the voters getting to decide whether to pass it or kill it.
- A referral occurs when the legislature sends out a constitutional amendment or a constitutional revision (changing more than one part of the constitution) for a vote of the people. The constitution can only be changed by a vote of the people. The legislature can refer a simple amendment by a majority vote of the House and a majority vote of the Senate. A constitutional revision, which changes more than one part of the constitution, requires a two-thirds vote of the House and a two-thirds vote of the Senate in order to get to the voters. The legislature may also refer a proposed statute to a vote of the people. This is done when the legislature is uncertain about the issue, or when the legislature knows that the Governor will veto the statute, and the legislature does not have the votes to override a veto. A proposed statute is referred on the same basis as a proposed constitutional amendment, by a majority of the House and Senate.

The Governor has no veto power over initiatives, referendums, or referrals.

In recent years, some people were critical of the legislature for sending a number of statutory referrals to the voters during the term of Governor John Kitzhaber. The reason the legislature referred those statutory proposals was that the legislature knew that Governor Kitzhaber would likely veto them, and the legislature hoped that the voters would enact them. This is one way the legislature can get around a governor's veto. Governor Kitzhaber became known as "Dr. No" because of the large number of bills that he vetoed (all passed by a Republican controlled House and Senate). Governor Kitzhaber vetoed 212 bills during his tenure.

It is noteworthy that citizens can initiate an amendment to the Oregon Constitution, with an initiative petition, but cannot initiate revisions to the Constitution (changing more than one part of the Constitution) by an initiative petition. Only the legislature can send out proposed revisions, which are more complex and broader changes, and then the legislature can only do so with a two-thirds vote of the House and the Senate.

All initiatives, referendums, and referrals are voted on in the general election held in November of every even-numbered year. The only situation where these matters come up for a vote at another time is when the legislature has passed specific legislation establishing a different election. This occurs most commonly when the legislature sends out a referral. The most common alternative date for ballot measures to go in front of the voters is the primary election, held in May of each even-numbered year.

Proposed ballot measures are referred to as “initiative petitions” until they qualify for the ballot. At that time, they become “ballot measures.” Ballot measures are numbered sequentially as they qualify for the ballot, from 1 through 99, over the years. Once Measure 99 is reached, the numbering system starts over again at 1.

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