

IN THE SUPREME COURT OF THE STATE OF OREGON

**KNUTE BUEHLER and
DUANE RAY FLETCHALL**

Petitioners,

v.

**ELLEN ROSENBLUM, Attorney
General,**

Respondent.

Supreme Court No. S061408

**AMICUS BRIEF ON
PETITION TO REVIEW BALLOT
TITLE CERTIFIED BY THE
ATTORNEY GENERAL FOR
INITIATIVE PETITION 11 (2014)**

Ballot Title Certified on June 6, 2014

Initiative Petition No. 11 (2014)

Chief Petitioners:

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Bend, OR 97701

Duane Ray Fletchall
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Salem, OR 97305

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Amicus Curiae (pending)

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Attorneys for Respondent

Daniel Meek offers this amicus brief in support of review of the Certified Ballot Title "CBT") for Initiative Petition 11 (2014) [hereinafter "IP 11"].

The following documents are attached to the Declaration of Daniel Meek:

Exhibit 1	Text of IP 11
Exhibit 2	IP 11 Draft Ballot Title
Exhibit 3	Comments on IP 11 Draft Ballot Title by Daniel Meek
Exhibit 4	Attorney General's Certified Ballot Title
Exhibit 5	Gallup Organization, Release of August 29, 2011

THE CAPTION.

ORS 250.035(2)(a) requires a "caption of not more than 15 words that reasonably identifies the subject matter of the state measure." The CBT's caption reads:

CHANGES, REPEALS LAWS GOVERNING PETITION SIGNATURES,
BALLOT TITLES, QUALIFIED VOTERS; AUTHORIZES LAWSUITS
CHALLENGING DISQUALIFIED SIGNATURES

This caption does not reasonably identify the subject matter, for these reasons:

1. It falsely states that IP 11 "repeals laws." There are no laws repealed by IP 11.
2. It strongly implies that IP 11 repeals all laws governing petition signatures, ballot titles, and qualified voters, since the word "some" does not appear between "repeals" and "laws." That implication is false.
3. It is so vague that it does not communicate any purpose to IP 11. Merely "changes, repeals laws" does not reasonably identify its subject matter, which is to expand the right of voters to have their valid signatures on petitions count toward qualifying measures and candidates for the ballot.

4. Stating the generic subject matter of what an IP "repeals" does not reasonably identify the subject matter of the initiative petition (particularly when the IP does not "repeal" any law). For example, here is the caption for Measure 16 (1994), which legalized physician-assisted suicide in Oregon:

ALLOWS TERMINALLY ILL ADULTS TO OBTAIN
PRESCRIPTION FOR LETHAL DRUGS

Under the Attorney General's approach here, that caption would read:

CHANGES, REPEALS LAWS GOVERNING PRESCRIPTION
DRUGS, MEDICAL CARE, INHERITANCE, AND INSURANCE

Merely mentioning generic subject matters that an IP may involve does not "reasonably identify the subject matter" of the specific IP.

5. The phrase "AUTHORIZES LAWSUITS CHALLENGING DISQUALIFIED SIGNATURES" did not appear in the Draft Ballot Title (DBT). It was added due to the suggestion of opponents of IP 24. Adding this phrase does not identify the subject matter of IP 24. It is merely one of several mechanisms in IP 24 for a voter--whose valid signature is disqualified due to no fault of the voter--to petition the government to count her valid signature on the petition.
 - A. This phrase is also highly inflammatory, as "lawsuits" and "lawyers" are among the least popular things and persons in the United States of America. The Gallup Poll in August 2011 reported that the "legal field" was near the bottom in net positive opinion among the American public, with 47% of

respondents reporting a negative opinion v. 29% positive.¹ Reported Gallup: "Lawyers and the legal field have never had positive images."² Elevating this minor enforcement mechanism to the caption is the equivalent of a poison pill.

- B. This phrase is a confusing double negative: "lawsuits challenging disqualified signatures." It would be better understood if the negatives (challenging and disqualified) were replaced with positives: "lawsuits to restore valid signatures".

I filed comments on the DBT and offered this accurate caption:

GRANTS EVERY VOTER RIGHT TO HAVE VOTER'S VALID
SIGNATURE ON PETITIONS COUNTED; SIMPLIFIES BALLOT
TITLES

This reasonably identifies the subject matter of IP 24, just as the caption for Measure 16 (1994) reasonably identified the subject matter of the physician-assisted suicide measure.

The Attorney General's DBT's caption for IP 24 was considerably better than the CBT. The DBT read:

CHANGES PROCEDURES FOR DISQUALIFYING PETITION SIGNATURE
OF REGISTERED VOTER, CHALLENGING DISQUALIFICATION,
DESCRIBING CERTAIN BALLOT MEASURES

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1. Gallup Organization release of August 29, 2011 (attached as Exhibit 5 to Declaration of Daniel Meek).
 2. *Id.*, Exhibit 5, p. 3.

My comments on the DBT (attached as Exhibit 3) indicate why my proposed caption better identifies the subject matter.

THE YES/NO STATEMENTS.

ORS 250.055(2)(b) requires a "simple and understandable statement of not more than 25 words that describes the result if the state measure is approved," while ORS 250.055(2)(c) requires a similar statement describing the result if the measure is not approved. The CBT reads:

Result of "Yes" Vote: "Yes" vote changes, repeals laws governing petition signature qualification, verification, counting; public notice required if voter's signature rejected; requires printing entire text of short measures.

Result of "No" Vote: "No" vote retains existing laws allowing disqualification of signatures unlawfully obtained, not matching voter records, signed by inactive/unregistered voter; all measures receive ballot titles.

These yes/no questions do not meet the statutory requirements, for these reasons:

1. The CBT's yes statement falsely states that IP 11 "repeals laws." There are no laws repealed by IP 11.
2. The CBT's yes statement strongly implies that IP 11 repeals all laws governing petition signatures, ballot titles, and qualified voters, since the word "some" does not appear between "repeals" and "laws." That implication is false.
3. The CBT's yes statement is even more sweeping in its implication that laws are repealed, because it includes "laws governing petition signature * * * verification, counting," two elements not noted in the caption.

4. The CBT's yes statement is so vague that it does not communicate any purpose to IP 11. Merely "changes, repeals laws" does not meaningfully describe the result if the state measure is approved, which is to expand the right of voters to have their valid signatures on petitions count toward qualifying measures and candidates for the ballot.
5. The CBT's yes statement elevates the required notice to the voter that his signature was rejected to "public notice," thus causing concern by a petition signer that his privacy will be invaded.
6. The CBT's yes statement offers the confusing "requires printing entire text of short measures," without identifying where such printing would occur (the ballot).
7. The CBT's no statement introduces the further poison pill that only existing law disqualifies "signatures unlawfully obtained."
8. The CBT's no statement falsely implies that IP 24 would eliminate existing laws "allowing disqualification of signatures * * * not matching voter records." That is absolutely false. It simply allows a voter whose signature has been rejected for that reason to vouch for her signature to the Secretary of State.
9. The CBT's no statement falsely implies that IP 24 would eliminate existing laws "allowing disqualification of signatures * * * signed by inactive/unregistered voter." That is absolutely false. IP 24 in no way counts the signature of someone who is not a registered voter in Oregon. It does provide for counting the signature of someone who is an "inactive" registered voter in Oregon, just as

the law provides in the State of Washington.³ The CBT's no statement, by using the invented term "inactive/unregistered voter" implies that there exists such a person who is an "inactive/unregistered voter." In fact, no one can be both an

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3. Washington Administrative Code 434-379-012 prohibits the Secretary of State there from disqualifying a voter signature on a petition on grounds that the voter is in inactive status. It provides:

Acceptance of signatures.

(1) The secretary of state must determine if the person who signed a petition is registered to vote. The information may be researched in voter registration records using first name, last name, address, or any combination thereof. A signature may not be rejected merely because:

- (a) The person signed with a middle name, nickname, or initials instead of the first name in the voter registration records, as long as the handwriting is clearly the same;
- (b) The last name on the petition differs from the last name in the voter registration records, as long as the addresses and the handwriting on the first name are clearly the same;
- (c) The last name on the petition or in the voter registration records is hyphenated while the last name in the other source is not;
- (d) The first name and last name on the petition are reversed in the voter registration records;
- (e) The address on the petition does not match the address in the voter registration records;
- (f) The handwriting on the printed name or address does not match the handwriting on the signature; or
- (g) The voter is on inactive status.

The Secretary of State of Oregon, however, rejects signatures in categories (b), (e), and (g).

"inactive" voter and an "unregistered" voter. "Inactive" voters are indeed "registered." There is no such person as an "inactive/unregistered voter."

For reasons explained above, I offer these yes/no statements (the same that I offered in my comments on the DBT):

RESULT OF "YES" VOTE: "Yes" grants voters right to have their valid signatures on petitions counted, regardless of circulator error; prints entire text of short measures on petition, ballot.

RESULT OF "NO" VOTE: "No" retains process whereby government officials, without notice to voters, disregard valid voter signatures on petitions, if the circulator has not followed all required procedures.

Incidentally, the yes/no statements in the DBT, while less informative than my suggestions, were far better than the CBT's yes/no statements. The DBT's yes/no statements read:

Result of "Yes" Vote: "Yes" vote changes procedures for disqualifying petition signature, challenging signature disqualification of registered voter; requires printing entire text of short ballot measure on petition, ballot.

Result of "No" Vote: "No" vote retains existing laws that regulate collecting, counting and verifying petition signatures to determine if measure qualifies for ballot; retains existing ballot title requirements.

THE SUMMARY.

ORS 250.055(2)(d) requires a ballot title summary consisting of a "concise and impartial statement of not more than 125 words summarizing the state measure and its major effect." The CBT states:

SUMMARY: Currently, only "qualified voters" may sign initiative/referendum, candidate nomination, political party formation, recall petitions; "qualified voters" are electors with active registration at time of signing. Constitution, statutes, rules regulate signature collection, verification, and counting to prevent fraud, forgery, improper signature

gathering. Measure prohibits laws disqualifying voter's valid signature even if gatherer/circulator obtains it illegally; reactivates "inactive" voter registration for all purposes automatically upon signing petition, counts signature. Requires public electronic posting of voter name if signature disqualified; signature counts if voter validates. Authorizes lawsuit to contest signature disqualification, attorney fees to voter/chief petitioner. Eliminates ballot title for initiatives of 100 words or less, full text must be printed on petition, ballot. Other provisions.

This summary does not meet the statutory requirements, for these reasons:

1. The CBT's summary displays all of the same defects as the caption and as the yes/no statements.
2. The CBT's summary contains several statements that are very susceptible to misinterpretation, and it fails to summarize IP 24 and its major effect. Its major effect is to require the counting of valid voter signatures, despite errors by circulators. The circulator errors which currently disqualify valid voter signatures include such trivial mistakes as having made any correction to the date on the circulator certificate on a petition sheet or failing to fully state the circulator's address on every sheet or allowing any stray mark to appear on the petition sheet.
3. The first sentence of the CBT's summary wrongly implies that IP 11 allows unqualified voters to sign petitions:

Currently, only "qualified voters" may sign initiative/referendum, candidate nomination, political party formation, recall petitions;

Instead, IP 11 provides procedures to help voters get their valid signatures on petitions counted. It does not change the definition of "qualified voter." The Oregon courts have never ruled that "inactive" registered voters cannot sign

petitions, and there is no statute that so provides. IP 11 does clarify that "inactive" registered voters shall be considered qualified to sign petitions.

4. The CBT's summary includes this inaccurate and highly prejudicial clause:

Measure prohibits laws disqualifying voter's valid signature even if gatherer/circulator obtains it illegally;

- A. The clause is flatly wrong. Section 4 of IP 11 does allow the disqualification of signatures, if the "circulator's failure was the result of a knowing and willful violation of law."
- B. Obviously, a statutory measure, such as IP 11, cannot "prohibit laws." Only a constitutional amendment can "prohibit laws," and IP 11 does not propose one.
- C. By listing "fraud, forgery" in front of this clause, the CBT's summary strongly implies that IP 11 would require the counting of a voter's signature, even if it were obtained by one of the listed methods (including fraud or forgery). To the contrary, IP 11 requires to be counted only the valid signatures of registered voters. Note that Sections 2, 3, 5, and 6 each refer to signatures of registered voters, not to alleged signatures of registered voters.⁴ The protections accorded by IP 11 are for valid voter signatures, not for invalid flows of ink on paper purporting to be signatures.

4. Section 2 refers to "his or her signature" of a "registered voter." Section 3 refers to "the petition signature of a registered voter." Section 4 refers to "the signature of a registered voter on a petition." Section 6 refers to "a signature of a registered voter on a petition."

5. The clause about attorney fees incorrectly suggests that the voter or chief petitioner automatically receives attorney fees. Instead, IP 11 authorizes award of attorney fees only "to a voter or chief petitioner who prevails in an action under this section."
6. My alternative Summary provides far more information about the other provisions of IP 11.

For reasons explained above, I offer this alternative summary (somewhat improved from the one I offered in my comments on the DBT):

SUMMARY: Currently, the valid signatures of registered voters on initiative, referendum, recall, and other petitions are not counted toward qualifying those measures for the ballot, if the circulator collecting the signatures has not complied with all required procedures. Measure requires that valid voter signatures be counted, unless circulator has knowingly and willfully violated law. If government disqualifies voter's signature, government must notify voter and allow 10 days for voter to vouch for signature. Measure does not change laws against forgery or fraud. Measure re-activates inactive voter's registration automatically when voter signs a petition and lists a new address. Measure requires printing on petition and ballot full texts of initiative measures of 100 words or less instead of a summary prepared by government officials. Other provisions.

Dated: June 25, 2013

Respectfully Submitted,

/s/ Daniel Meek

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IN THE SUPREME COURT OF THE STATE OF OREGON

**KNUTE BUEHLER and
DUANE RAY FLETCHALL**

Petitioners,

v.

**ELLEN ROSENBLUM, Attorney
General,**

Respondent.

Supreme Court No. S061408

**DECLARATION OF DANIEL MEEK
FOR
AMICUS BRIEF ON
PETITION TO REVIEW BALLOT
TITLE CERTIFIED BY THE
ATTORNEY GENERAL FOR
INITIATIVE PETITION 11 (2014)**

Ballot Title Certified on June 6, 2014

Initiative Petition No. 11 (2014)

Chief Petitioners:

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Attorneys for Respondent

I, DANIEL W. MEEK, make the following statements in support of the Amicus Brief on Petition to Review Ballot Title Certified by the Attorney General for Initiative Petition 11 (2014).

1. Exhibit 1 is a true copy of the text of Initiative Petition 11 (2014).
2. Exhibit 2 is a true copy of the Attorney General's Draft Ballot Title for Initiative Petition 11 (2014).
3. Exhibit 3 is a true copy of the Comments on IP 11 Draft Ballot Title by Daniel Meek.
4. Exhibit 4 is a true copy of the Attorney General's Certified Ballot Title for Initiative Petition 11 (2014).
5. Exhibit 5 is a true copy of Gallup Organization, Release of August 29, 2011, reporting the results of surveys rating various industries and governments. It is available at <http://www.gallup.com/poll/149216/americans-rate-computer-industry-best-federal-gov-worst.aspx>.

I hereby declare that the above statement is true to the best of my knowledge and belief, and that I understand that it is made for use as evidence in court and is subject to penalty for perjury.

Dated: June 25, 2013

/s/ Daniel Meek

Daniel W. Meek

Signed electronically in Multnomah County, Oregon.

The People of the State of Oregon adopt the following statute:

Section 1. This 2014 Act shall be known as the Our Oregon Signatures Count Act. It is the intention of this Act to protect and strengthen Oregon's long and proud history of encouraging and respecting the participation of the people in the election process.

Section 2. Each registered voter who signs a petition shall have an individual, enforceable right to have his or her signature counted on the petition, provided the petition has been timely filed with the election official assigned to process such petition.

Section 3. Laws and regulations may be enacted and enforced to prevent forgery or fraud, and to maintain an orderly process in the circulation of a petition. However, such laws and regulations shall not be enforced in any manner so as to prevent the petition signature of a registered voter, who has committed no violation of law, from being included in the determination whether the petition contains the required number of signatures of voters.

Section 4. Notwithstanding ORS 250.042, the Secretary of State and elections officers may not disqualify a signature on a petition based on the failure of a circulator to comply with a law governing the circulation of petitions unless the secretary or elections officer determines that the circulator's failure was the result of a knowing and willful violation of law.

Section 5. The Secretary of State and elections officers may not disqualify the signature of a registered voter on a petition unless the secretary or elections officer notifies the voter of the proposed disqualification as provided in section 6 of this 2014 Act and the voter does not timely notify the secretary or elections officer that the signature is the signature of the voter.

Section 6. If the Secretary of State or an elections officer proposes to disqualify a signature of a registered voter on a petition, the secretary or elections officer shall post the name of the voter on the web site of the secretary or elections officer for a period of 10 business days with a notice that the secretary or elections officer will disqualify the signature if the voter does not notify the secretary or elections officer of the validity of the signature within 10 business days of the posting of the signature. If the voter notifies the secretary or elections officer that the signature is valid, the secretary or elections officer shall count the signature.

Section 7. If the Secretary of State or an elections officer disqualifies a signature from a petition, the registered voter or a chief petitioner of the petition may bring an action in circuit court to require the counting of the voter's signature on the petition. In any action under this section, the secretary or elections officer bears the burden of proving that the signature should not be counted. The court shall award attorney fees and costs to a voter or chief petitioner who prevails in an action under this section. The courts of this state shall give precedence to actions under this section to the extent necessary to ensure that the secretary or elections officer counts the signature within time limits prescribed by the constitution or by law. If a final decision has not been reached by the courts within such time limits, the voter's signature shall be counted for purposes of determining whether the petition contained sufficient voter signatures.

Section 8. If a voter's signature was selected for verification as part of a signature sample as authorized by statute, and the voter's signature is required to be counted as provided by this Act or by order of any court of competent jurisdiction, the voter's signature shall be re-inserted into the results of the sample.

Section 9. For purposes of this 2014 Act:

- (a) "Petition" means an initiative, referendum, candidate nomination, formation of a political party, or recall petition;
- (b) "Count" or "Counted" means to include the registered voter's signature in the final tally as to whether the petition contains the required number of voter signatures.
- (c) "Signature" means a person's name, or a mark used by a person, to indicate that the person has signed a petition.

Section 10. Except as required by the constitution of this state, laws governing ballot titles for petitions and ballot measures do not apply to petitions and ballot measures by citizen initiative that contain 100 words or fewer of text (excluding the enacting or amendatory clause).

Section 11. Any ballot measure by citizen initiative that contains 100 words or fewer of text (excluding the enacting or amendatory clause) shall have the full text of the measure presented on the ballot immediately after the measure number and the enacting or amendatory clause. The full text of the proposed measure shall be printed on any petition sheet instead of any ballot title.

Section 12. If a registered voter signs a petition, and the voter is deemed to be an inactive registered voter, the act of placing his or her signature on a petition shall constitute the immediate re-activation of the voter's registration at the address indicated by the voter on the petition, and the voter's signature shall be counted on that petition.

Section 13. On the date a voter registration form is signed by an otherwise eligible person, the person's signature shall be deemed active and registered for the purpose of signing any petition.

Section 14. ORS 250.052(6) is amended so the following language in italics is deleted:

(6) In addition to the templates prepared under subsections (1) to (5) of this section, for each state initiative, referendum or recall petition, the secretary shall prepare an official electronic template of a signature sheet for the petition. A template prepared under this subsection shall allow space for the signature of one elector. An elector may *[print a copy of the electronic signature sheet for a petition,]* sign the sheet and deliver the signed sheet to a chief petitioner or an agent designated by a chief petitioner. Electronic templates described in this subsection are subject to the requirements of ORS 250.045, other than ORS 250.045 (6), (9) and (10).

Section 15. It is the intent of the People that respect be shown to voters as to their signatures on petitions, and that the full text of reasonably short ballot measures be presented to voters on the ballot itself, so voters can readily see the actual full text.

Section 16. This 2014 Act supersedes any Oregon law which is inconsistent with this Act.

Section 17. This 2014 Act is effective January 1, 2015.

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KATE BROWN
SECRETARY OF THE STATE

KATE BROWN
SECRETARY OF STATE



STEPHEN N. TROUT
DIRECTOR

255 CAPITOL STREET NE, SUITE 501
SALEM, OREGON 97310-0722

(503) 986-1518

For Immediate Release:
May 7, 2013

Contact: Lydia Plukchi
Elections Division
(503) 986-1518

The Office of the Secretary of State received a draft ballot title from the Attorney General on May 7, 2013, for initiative petition #11, proposing a statutory amendment, for the General Election of November 4, 2014.

The draft ballot title is as follows:

**Changes procedures for disqualifying petition signature of registered voter,
challenging disqualification, describing certain ballot measures**

Result of "Yes" Vote: "Yes" vote changes procedures for disqualifying petition signature, challenging signature disqualification of registered voter; requires printing entire text of short ballot measure on petition, ballot.

Result of "No" Vote: "No" vote retains existing laws that regulate collecting, counting and verifying petition signatures to determine if measure qualifies for ballot; retains existing ballot title requirements.

Summary: Currently, initiative petitions qualify for placement on the ballot based on the number of qualified registered voters' signatures; constitutional provisions, statutes and rules regulate signature collection, verification and counting to prevent fraud, forgery and improper signature-gathering. Measure prohibits laws excluding from signature count (defined) a qualified voter's signature on petition (defined), even if signature was obtained unlawfully; allows for future anti-forgery, anti-fraud laws in petition circulation; requires notice of proposed signature disqualification and opportunity to validate; provides re-activation of inactive voter's registration automatically when voter signs a petition; requires that if initiative measure is 100 words or less, entire text of measure will be printed on petition and ballot; allows qualified voter/chief petitioner to sue to require counting qualified voter's signature. Other provisions.

Exhibit 2, p. 1
Declaration of Daniel Meek

Chief Petitioner(s): Duane Ray Fletchall, 4262 Bison Ct. NE, Salem, OR 97305 and Knute Buehler, 1122 Foxwood Place, Bend, OR 97701.

Copies of the text of this initiative are available at Suite 501, 255 Capital St NE for \$.25. Written requests for copies with your remittance of \$1.00 prepaid, should be addressed to: Elections Division, 255 Capital St NE Ste 501, Salem, OR 97310.

There now follows a comment period of 10 business days during which any member of the public may submit written comments which address the specific legal standards a ballot title must meet to the Secretary of State's office. This period ends May 21, 2013. Comments must be addressed to: Elections Division, 255 Capital St NE Ste 501, Salem, OR 97310; fax (503) 373-7414.

The Secretary of State will deliver all written comments to the Attorney General. If comments are received, the Attorney General shall issue the certified ballot title not later than the 10th business day after receiving the comments from the Secretary of State. If no comments are received, the Attorney General shall issue the certified ballot title not later than the 10th business day after the deadline for submitting comments.

In addition, during this ballot title comment period, the Secretary of State will also seek statements from interested persons regarding whether or not a proposed initiative petition complies with procedural constitutional requirements for submission of proposed initiative petitions. The Secretary will consider the information provided in the statements received from interested persons. If you wish to comment, this period ends May 21, 2013. Comments must be addressed to: Elections Division, 255 Capitol St NE, Suite 501, Salem, OR 97310; fax (503) 373-7414.

Any elector who is dissatisfied with the ballot title certified by the Attorney General, and who timely submitted written comments which addressed the specific legal standards a ballot title must meet, may petition the Oregon Supreme Court seeking a different title. This appeal must be filed not later than the 10th business day after the Attorney General certifies a ballot title to the Secretary of State.

The required number of signatures for placement on the 2014 General Election ballot is 87,213. These signatures shall be filed in this office not later than July 3, 2014.



DEPARTMENT OF JUSTICE
APPELLATE DIVISION

May 7, 2013

Stephen N. Trout
Director, Elections Division
Office of the Secretary of State
141 State Capitol
Salem, OR 97310

Re: Proposed Initiative Petition — Changes Procedures For Disqualifying Petition Signature of Registered Voter, Challenging Disqualification, Describing Certain Ballot Measures
DOJ File #BT-11-13; Elections Division #11

Dear Mr. Trout:

We have prepared and hereby provide to you a draft ballot title for the above-referenced prospective initiative petition. The proposed measure relates to changing the procedures for disqualifying petition signatures, for challenging disqualification, and for describing certain ballot measures.

Written comments from the public are due to you within ten business days after your receipt of this draft title. A copy of all written comments provided to you should be forwarded to this office immediately thereafter.

A copy of the draft ballot title is enclosed.

Legal Secretary

LSA:mlk/4191963

Enclosure

Lynn Rosik, General Counsel Division

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Bison Court NE
Salem, Oregon 97305

Knute Buehler
Foxwood Place
Bend, Oregon 97701

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2013 MAY 7 PM 3 22
KATE BROWN
SECRETARY OF THE STATE

Exhibit 2, p. 3
Declaration of Daniel Meek

DRAFT BALLOT TITLE

Changes procedures for disqualifying petition signature of registered voter, challenging disqualification, describing certain ballot measures

Result of “Yes” Vote: “Yes” vote changes procedures for disqualifying petition signature, challenging signature disqualification of registered voter; requires printing entire text of short ballot measure on petition, ballot.

Result of “No” Vote: “No” vote retains existing laws that regulate collecting, counting and verifying petition signatures to determine if measure qualifies for ballot; retains existing ballot title requirements.

Summary: Currently, initiative petitions qualify for placement on the ballot based on the number of qualified registered voters' signatures; constitutional provisions, statutes and rules regulate signature collection, verification and counting to prevent fraud, forgery and improper signature-gathering. Measure prohibits laws excluding from signature count (defined) a qualified voter's signature on petition (defined), even if signature was obtained unlawfully; allows for future anti-forgery, anti-fraud laws in petition circulation; requires notice of proposed signature disqualification and opportunity to validate; provides re-activation of inactive voter's registration automatically when voter signs a petition; requires that if initiative measure is 100 words or less, entire text of measure will be printed on petition and ballot; allows qualified voter/chief petitioner to sue to require counting qualified voter's signature. Other provisions.

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2013 MAY 7 PM 3 22
KATE BROWN
SECRETARY OF THE STATE

COMMENTS ON DRAFT BALLOT TITLE FOR PETITION 11 (2014)

May 21, 2013

I am an elector in Multnomah County and offer these comments.

I. CAPTION.

ORS 250.055(2)(a) requires a "caption of not more than 15 words that reasonably identifies the subject matter of the state measure." The DBT of Initiative Petition 11 (IP 11) reads:

**CHANGES PROCEDURES FOR DISQUALIFYING PETITION SIGNATURE
OF REGISTERED VOTER, CHALLENGING DISQUALIFICATION,
DESCRIBING CERTAIN BALLOT MEASURES**

For reasons explained below, I offer this alternative caption:

**GRANTS EVERY VOTER RIGHT TO HAVE VOTER'S VALID
SIGNATURE ON PETITIONS COUNTED; SIMPLIFIES BALLOT
TITLES**

First, the DBT caption is incorrect in portraying the central feature of the measure as "changes procedures." The change in procedures is ancillary to, and a means to implement, the granting to each registered voter "an individual, enforceable right to have his or her signature counted on the petition," even if the circulator has transgressed a rule or process.

Second, the DBT is so vague that it does not communicate any purpose to IP 11. Merely "changes procedures" does not reasonably identify its subject matter, which is to expand the right of voters to have their valid signatures on petitions count, not merely to "change procedures."

II. YES/NO STATEMENTS.

ORS 250.055(2)(b) requires a "simple and understandable statement of not more than 25 words that describes the result if the state measure is approved," while ORS 250.055(2)(c) requires a similar statement describing the result if the measure is not approved. The DBT reads:

Result of "Yes" Vote: "Yes" vote changes procedures for disqualifying petition signature, challenging signature disqualification of registered voter; requires printing entire text of short ballot measure on petition, ballot.

Result of "No" Vote: "No" vote retains existing laws that regulate collecting, counting and verifying petition signatures to determine if measure qualifies for ballot; retains existing ballot title requirements.

For reasons explained below, I offer these yes/no statements:

RESULT OF "YES" VOTE: "Yes" grants voters right to have their valid signatures on petitions counted, regardless of circulator error; prints entire text of short measures on petition, ballot.

RESULT OF "NO" VOTE: "No" retains process whereby government officials, without notice to voters, disregard valid voter signatures on petitions, if the circulator has not followed all required procedures.

First, the DBT's yes/no statements suffer all the defects of the DBT's caption.

We incorporate by reference all of the discussion above about those defects.

Second, the DBT's yes/no statements convey almost no information not already in the caption. My versions use the allowable words to more fully explain the primary "result if the state measure is approved."

III. SUMMARY.

ORS 250.055(2)(d) requires a ballot title summary consisting of a "concise and impartial statement of not more than 125 words summarizing the state measure and its major effect." The DBT states:

SUMMARY: Currently, initiative petitions qualify for placement on the ballot based on the number of qualified registered voters' signatures; constitutional provisions, statutes and rules regulate signature collection, verification and counting to prevent fraud, forgery and improper signature-gathering. Measure prohibits laws excluding from signature count (defined) a qualified voter's signature on petition (defined), even if signature was obtained unlawfully; allows for future anti-forgery, anti-fraud laws in petition circulation; requires notice of proposed signature disqualification and opportunity to validate; provides re-activation of inactive voter's registration automatically when voter signs a petition; requires that if initiative measure is 100 words or less, entire text of measure will be printed on petition and ballot; allows qualified voter/chief petitioner to sue to require counting qualified voter's signature. Other provisions.

For reasons explained below, I offer this alternative summary:

SUMMARY: Currently, the valid signatures of registered voters on initiative, referendum, recall, and other petitions are not counted toward qualifying those measures for the ballot, if the circulator collecting the signatures has not complied with all required procedures. Measure requires that valid voter signatures be counted, despite circulator error. If government disqualifies voter's signature on a petition, Measure requires that government notify voter and allow 10 days for voter to vouch for signature. Measure does not change laws against forgery or fraud. Measure re-activates inactive voter's registration automatically when voter signs a petition and lists a new address. Measure requires printing on petition and ballot full texts of initiative measures of 100 words or less instead of a summaries prepared by government officials. Other provisions.

First, the DBT's summary displays all of the same defects as the caption and as the yes/no statements. We incorporate by reference all of the discussion above about those defects.

Second, the DBT's summary contains several statements that are very susceptible to misinterpretation. For example, it states "allows for future anti-forgery, anti-fraud laws in petition circulation." That strongly implies that IP 11 would not allow for existing anti-forgery or anti-fraud laws, which is entirely false. IP 11 does not repeal any anti-forgery or anti-fraud laws.

Third, the DBT's summary includes this inaccurate and highly prejudicial statement:

Measure prohibits laws excluding from signature count (defined) a qualified voter's signature on petition (defined), even if signature was obtained unlawfully;

This statement is inaccurate, because Section 4 of IP 11 does allow the disqualification of signatures, if the "circulator's failure was the result of a knowing and willful violation of law." This statement is also highly prejudicial, because it implies that it requires the counting of signatures, even if obtained by such unlawful methods as forgery or fraud. To the contrary, IP 11 requires to be counted only the valid signatures of registered voters. Note that Sections 2, 3, 5, and 6 each refer to signatures of registered voters, not to alleged signatures of registered voters.¹ The protections accorded by IP 11 are for valid voter signatures, not for invalid flows of ink on paper purporting to be signatures. Section 9 defines "signature" as the person's

1. Section 2 refers to "his or her signature" of a "registered voter." Section 3 refers to "the petition signature of a registered voter." Section 4 refers to "the signature of a registered voter on a petition." Section 6 refers to "a signature of a registered voter on a petition."

name or mark indicating "that the person has signed a petition," not to a name or mark written by someone else.

Third, my alternative Summary provides far more information about the other provisions of IP 11.

Thank you for considering these comments.

Dated: May 21, 2013

/s/ Daniel Meek

Daniel W. Meek

KATE BROWN
SECRETARY OF STATE



STEPHEN N. TROUT
DIRECTOR

255 CAPITOL STREET NE, SUITE 501
SALEM, OREGON 97310-0722

(503) 986-1518

For Immediate Release:
June 6, 2013

Contact: Summer Davis
Elections Division
(503) 986-1518

The Office of the Secretary of State received a certified ballot title from the Attorney General on June 6, 2013, for initiative petition #11, proposing a statutory amendment, for the General Election of November 4, 2014.

In addition, Secretary of State Kate Brown determined that the proposed initiative petition was in compliance with the procedural requirements established in the Oregon Constitution for initiative petitions.

The certified ballot title is as follows:

Changes, repeals laws governing petition signatures, ballot titles, qualified voters; authorizes lawsuits challenging disqualified signatures

Result of “Yes” Vote: “Yes” vote changes, repeals laws governing petition signature qualification, verification, counting; public notice required if voter’s signature rejected; requires printing entire text of short measures.

Result of “No” Vote: “No” vote retains existing laws allowing disqualification of signatures unlawfully obtained, not matching voter records, signed by inactive/unregistered voter; all measures receive ballot titles.

Summary: Currently, only “qualified voters” may sign initiative/referendum, candidate nomination, political party formation, recall petitions; “qualified voters” are electors with active registration at time of signing. Constitution, statutes, rules regulate signature collection, verification, and counting to prevent fraud, forgery, improper signature gathering. Measure prohibits laws disqualifying voter’s valid signature even if gatherer/circulator obtains it illegally; reactivates “inactive” voter registration for all purposes automatically upon signing petition, counts signature. Requires public electronic posting of voter name if signature disqualified; signature counts if voter validates. Authorizes lawsuit to contest signature disqualification, attorney fees to voter/chief petitioner. Eliminates ballot title for initiatives of 100 words or less, full text must be printed on petition, ballot. Other provisions.

Exhibit 4, p. 1
Declaration of Daniel Meek

Chief Petitioner(s): Duane Ray Fletchall, Bison Ct. NE, Salem, OR 97305 and Knute Buehler,
Foxwood Place, Bend, OR 97701.

Copies of the text of this initiative are available at Suite 501, 255 Capital St NE, for \$.50. Written requests for copies with your remittance of \$1.00 prepaid, should be addressed to: Elections Division, 255 Capitol St NE, Ste 501, Salem, OR 97310.

There now follows an appeal period of 10 business days. Any elector dissatisfied with the ballot title certified by the Attorney General, who also submitted in a timely manner written comments which addressed the specific legal standards a ballot title must meet, may petition the Supreme Court for a different title. The appeal period ends at 5:00 p.m. on June 20, 2013. The appeal procedures are outlined in ORS 250.085.

The required number of signatures for placement on the 2014 General Election ballot is 87,213. These signatures shall be filed in this office not later than July 3, 2014.

#



DEPARTMENT OF JUSTICE
APPELLATE DIVISION

June 6, 2013

Stephen N. Trout
Director, Elections Division
Office of the Secretary of State
141 State Capitol
Salem, OR 97310

Re: Proposed Initiative Petition – Changes, Repeals Laws Governing
Petition Signatures, Ballot Titles, Qualified Voters; Authorizes
Lawsuits Challenging Disqualified Signatures
DOJ File #BT-11-13; Elections Division #11

Dear Mr. Trout:

Pursuant to ORS 250.067, we have reviewed the comments submitted in response to the draft ballot title for the above-referenced initiative petition. We provide the enclosed certified ballot title, reflecting changes to the caption, result statements and summary.

We received three comment letters from (1) Kevin Mannix, on behalf of himself as an Oregon elector, and as attorney for Messrs. Fletchall and Buehler, electors and chief petitioners, (2) elector Daniel W. Meek, and (3) attorney Margaret Olney, on behalf of electors Rasmussen and Darby. This letter summarizes the comments we received, our responses to those comments, and the changes we have made to the draft ballot title. ORAP 11.30(7) requires that this letter be included in the record in the event the Oregon Supreme Court reviews this ballot title.

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2013 JUN 6 PM 2 18
KATE BROWN
SECRETARY OF THE STATE

SUMMARY OF COMMENTS

Comments of Kevin Mannix, Duane Fletchall and Knute Buehler

Electors Mannix, Fletchall and Buehler object to the draft ballot title caption, the “yes” result statement, and one sentence in the draft ballot title summary. They propose specific changes to cure what they see as inadequacies in the Attorney General’s draft.

Specifically, Mannix and the co-petitioners believe that both the caption and the “yes” result statement are “under-inclusive.” They assert that the caption does not comply with the requirements in ORS Chapter 250, by not highlighting or emphasizing the voters’ right under the proposed measure to “insist” that their signatures be counted and its provision for a specific court proceeding to enforce that right. (May 21, 2013, Mannix letter page 3).

Elector Mannix, and co-petitioners, Fletchall and Buehler, also object to the Attorney General’s draft “yes” result statement for not including the measure’s provision that when a voter objects to rejection of his or her signature, the election official must disprove the signature in a court proceeding. (May 21, 2013, Mannix letter page 4).

Finally, elector Mannix and co-petitioners Fletchall and Buehler object to the following language in the draft ballot title summary: “Measure prohibits laws excluding from signature count (defined) a qualified voter’s signature on petition (defined), even if signature was obtained unlawfully[.]” (May 21, 2013, Mannix letter page 4). These electors assert that labeling a signature as “obtained unlawfully” wrongly implies that the signing voter, rather than the circulator, violated the law. (*Id.*)

Comments of Elector Meek

Elector Meek asserts that the Attorney General’s draft caption, result statements and summary do not meet the requirements in ORS 250.055(2)(a)-(d). Specifically, elector Meek claims that the draft caption fails to clearly convey the “central feature” of the measure, *viz.*, the grant of an “individual enforceable right” of a registered voter to have his or her petition signature counted even if the circulator violated a rule or process.

Elector Meek finds the same faults in the Attorney General's draft result statements, and argues that his alternatives provide additional information to the caption, whereas the Attorney General's do not.

Meek applies the same criticisms he makes about the caption and result statements to the draft ballot title summary, and identifies two additional purported ambiguities or inaccuracies in the Attorney General's draft summary. First, elector Meek argues that the draft summary implies that the measure would repeal existing anti-forgery or anti-fraud laws. (May 21, 2013, Meek Comments page 4). Second, like Mannix and the co-petitioners, Meek objects to the statement in the draft summary that the measure "prohibits laws excluding from signature count (defined), a qualified voter's signature on petition (defined) even if signature was obtained unlawfully[.]" Meek reads an implication into the foregoing statement that voter signatures must be counted even if gathered by a circulator's malfeasance. Meek proposes a revised summary that he believes provides "far more information" than the Attorney General's draft summary.

Comments of Electors Rasmussen and Darby

Electors Rasmussen and Darby object to all parts of the Attorney General's draft ballot title. (May 21, 2013, Olney letter on behalf of Rasmussen and Darby). Rasmussen and Darby assert that the Attorney General's draft caption fails to capture the "true subject of the measure or its breadth." (May 21, 2013, Olney letter page 7). Specifically, electors Rasmussen and Darby argue that the Attorney General's draft caption, result statements and summary

(1) fail to alert voters that current anti-fraud and anti-forgery laws would "have no practical effect" under the measure,

(2) fail to capture substantive changes to existing law on who is qualified to sign initiative petitions,

(3) fail to alert voters that disqualified signatures must be posted electronically for at least ten days,

(4) fail to inform voters that private lawsuits can be brought against election officials where the official bears the burden of proving a signature's invalidity and would be subject to mandatory attorney fees if the signature is ultimately counted, and

(5) fail to adequately alert voters that the effect of the proposed measure would be repeal of some existing laws. (May 21, 2013 Olney letter).

To address their concerns, electors Rasmussen and Darby propose alternatives to all aspects of the Attorney General's draft ballot title. (*Id.*)

RESPONSES TO COMMENTS

1. The caption.

The comments offered by elector Meek, elector Mannix and the co-petitioners, and electors Rasmussen and Darby regarding the perceived intent of the proposed measure and the purported shortcomings of Attorney General's draft caption have been considered. We agree that the draft caption's ostensible focus on procedure rather than substance is a legitimate concern. However, elector Mannix and the co-petitioners' proposed alternatives seem to suffer from what they claim makes the Attorney General's draft caption statutorily inadequate: under-inclusiveness. (May 21, 2013, Mannix letter page 3). And while elector Meek concerns regarding the draft's focus on the procedural aspects of the proposed measure are reasonable, in the Attorney General's view, his proposed alternative caption insufficiently captures the scope of the proposed initiative, and contains value judgments we deem inappropriate (*e.g.*, "*simplifies* ballot titles").

On the other hand, with the exception of their emphasis on the public posting provision in the proposed measure, we find much to be commended in electors Rasmussen and Darby's alternative. Therefore, we have amended the draft caption to read:

Changes, repeals laws governing petition signatures, ballot titles, qualified voters; authorizes lawsuits challenging disqualified signatures.

This amended caption, we believe, captures the subject matter of the proposed measure without emphasizing any particular aspect of the measure over another.

2. The result statements.

All three sets of commenting electors present alternative “yes” result statements that emphasize various aspects of the proposed measure, with varying degrees of clarity. The proposed alternate language of the “yes” statement proposed by electors Meek, Mannix and the co-petitioners omits mention of the legal mechanism for a signatory to challenge his or her signature disqualification, while electors Rasmussen and Darby omit from their alternate “yes” result statement, specific mention of the measure’s treatment of “short” proposed measures.

The Attorney General has amended the draft “yes” result statement as follows:

Result of “Yes” Vote: “Yes” vote changes, repeals laws governing petition signature qualification, verification, counting; public notice required if voter’s signature rejected; requires printing entire text of short measures.

We believe the above “yes” result statement more accurately captures the major changes to the law in the proposed initiative to satisfy the electors’ concerns, with any remaining explication contained in the summary.

Elector Mannix and the co-petitioners had no objections to the Attorney General’s draft “no” result statement. However, both elector Meek and electors Rasmussen and Darby, asserted that the Attorney General’s draft “no” result statement was under-inclusive and overly general. We reject elector Meek’s proposed “no” statement as too value-laden to accurately describe the *status quo* should the proposed initiative be rejected. On the other hand, electors Rasmussen and Darby’s alternative represents an improvement on the Attorney General’s draft “no” statement result statement and we therefore adopt it as follows:

“Result of “No” Vote: “No” vote retains existing laws allowing disqualification of signatures unlawfully obtained, not matching voter records, signed by inactive/unregistered voter; all measures receive ballot titles.

3. The Summary.

Both elector Meek and elector Mannix and the co-petitioners object to the following statement in the Attorney General's draft summary: "Measure prohibits laws excluding from signature count (defined) a qualified voter's signature on petition (defined), even if signature was obtained unlawfully[.]" Both argue that the foregoing language suggests that signatures must be counted even if obtained by fraud or forgery, or even if the voter, rather than the circulator, did something wrong. (May 21, 2013, Meek comment pages 4-5; May 21, 2013, Mannix letter pages 4-5).

Electors Rasmussen and Darby criticize the Attorney General's draft summary for inadequately describing current law, and for failing to note that under the proposed measure, disqualified voter signatures must be publicly posted electronically. Electors Rasmussen and Darby also complain that the Attorney General's draft summary does not make clear that ballot titles will not be prepared for measures of 100 words or less. (May 21, 2013, Olney letter page 12). Finally, Rasmussen and Darby believe that the possibility that the proposed measure could be construed to allow electronic signing of petitions should be expressed in the summary. (*Id.*)

The Attorney General does not find the mere possibility that this proposed measure could be construed so as to allow electronic signatures to be so significant as to require inclusion in the ballot title summary, and therefore decline to accept that suggestion. The Attorney General does, however, agree that the description of current law could be improved in a revised summary. In addition, the Attorney General has revised the language regarding unlawfully obtained signatures to clarify that where the voter has committed no illegality but the circulator violates the law, the voter's signature will nevertheless be counted. The revised summary reads as follows:


Summary: Currently, only "qualified voters" may sign initiative/referendum, candidate nomination, political party formation, recall petitions; "qualified voters" are electors with active registration at time of signing. Constitution, statutes, rules regulate signature collection, verification, and counting to prevent fraud, forgery, improper signature gathering. Measure prohibits laws disqualifying voter's valid signature even if gatherer/circulator obtains it illegally; reactivates "inactive" voter registration for all purposes automatically

upon signing petition, counts signature. Requires public electronic posting of voter name if signature disqualified; signature counts if voter validates. Authorizes lawsuit to contest signature disqualification, attorney fees to voter/chief petitioner. Eliminates ballot title for initiatives of 100 words or less, full text must be printed on petition, ballot. Other provisions.

CONCLUSION

For the foregoing reasons we have made changes to the draft ballot title. We certify the attached ballot title, pursuant to ORS 250.067(2).

Sincerely,

 Laura S. Anderson
Senior Assistant Attorney General
laura.anderson@doj.state.or.us

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Enclosure

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BALLOT TITLE

**Changes, repeals laws governing petition signatures, ballot titles, qualified voters;
authorizes lawsuits challenging disqualified signatures**

Result of "Yes" Vote: "Yes" vote changes, repeals laws governing petition signature qualification, verification, counting; public notice required if voter's signature rejected; requires printing entire text of short measures.

Result of "No" Vote: "No" vote retains existing laws allowing disqualification of signatures unlawfully obtained, not matching voter records, signed by inactive/unregistered voter; all measures receive ballot titles.

Summary: Currently, only "qualified voters" may sign initiative/referendum, candidate nomination, political party formation, recall petitions; "qualified voters" are electors with active registration at time of signing. Constitution, statutes, rules regulate signature collection, verification, and counting to prevent fraud, forgery, improper signature gathering. Measure prohibits laws disqualifying voter's valid signature even if gatherer/circulator obtains it illegally; reactivates "inactive" voter registration for all purposes automatically upon signing petition, counts signature. Requires public electronic posting of voter name if signature disqualified; signature counts if voter validates. Authorizes lawsuit to contest signature disqualification, attorney fees to voter/chief petitioner. Eliminates ballot title for initiatives of 100 words or less, full text must be printed on petition, ballot. Other provisions.

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August 29, 2011

Americans Rate Computer Industry Best, Federal Gov't Worst

Image of federal government is at an all-time low

by Frank Newport

PRINCETON, NJ -- Americans view the computer industry the most positively and the federal government the least positively when asked to rate 25 business and industry sectors. All five of the top-rated sectors this year are related to either computers or food.

For each of the following business sectors in the United States, please say whether your overall view of it is very positive, somewhat positive, neutral, somewhat negative, or very negative. How about -- [RANDOM ORDER]?

Industry	% Positive	% Neutral	% Negative	Net positive (positive minus negative, in pct. pts.)
Computer industry	72	16	10	62
Restaurant industry	61	25	12	49
Internet industry	56	26	16	40
Farming and agriculture	57	22	19	38
Grocery industry	52	24	24	28
Retail industry	44	33	22	22
Travel industry	42	35	21	21
Accounting	36	42	19	17
Publishing industry	38	38	22	16
Automobile industry	42	25	32	10
Telephone industry	39	30	31	8
Movie industry	38	23	37	1
Sports industry	37	25	36	1
Television and radio industry	39	21	40	-1
Electric and gas utilities	38	20	40	-2
Advertising and public relations industry	32	29	37	-5
Pharmaceutical industry	36	20	43	-7
Airline industry	29	30	39	-10
Education	35	18	47	-12
The legal field	29	24	45	-16
Banking	30	21	47	-17
Healthcare industry	27	18	55	-28
Real estate industry	23	23	52	-29
Oil and gas industry	20	15	64	-44
The federal government	17	20	63	-46

Aug. 11-14, 2011

GALLUP®

Gallup has asked Americans each August since 2001 to indicate whether they have positive or negative views of a list of business and industry sectors. The 2011 update is from Gallup's Aug. 11-14 survey.

Exhibit 5, p. 2 Declaration of Daniel Meek

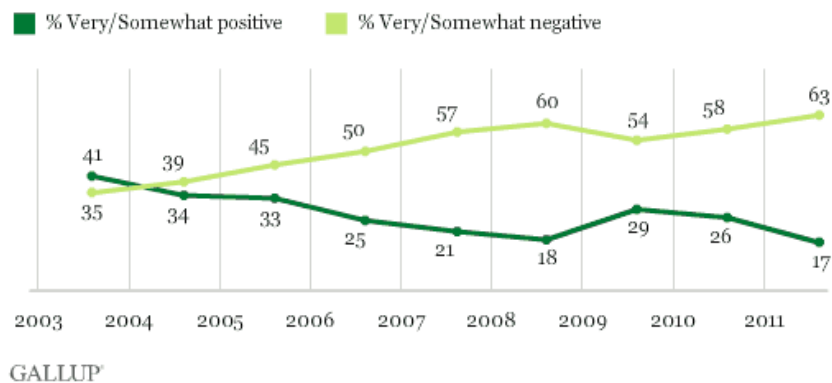
The results range from a +62 net positive rating for the computer industry to a -46 net positive rating for the federal government.

The sectors Americans view most negatively have all had well-publicized problems in recent years. The federal government has been near the bottom of the list in previous years, but is at the absolute bottom this year for the first time, [displacing the oil and gas industry](#). Seventeen percent of Americans have a positive view of the federal government -- the lowest of any sector tested this year -- while 63% have a negative image. Only one sector, oil and gas, has a higher negative percentage, 64%. Other poorly ranked sectors include real estate, healthcare, banking, and the legal field.

Federal Government's Image at All-Time Low

The positive and the negative ratings for the federal government this year are the worst since Gallup began measuring its image in 2003.

Ratings of the Federal Government, 2003-2010



The deterioration in Americans' views of the federal government began in 2004 -- correlated with a downturn in President George W. Bush's job approval rating and rising concerns about the Iraq war and the economy. Views turned slightly more positive in 2009 during Barack Obama's first year as president, but dropped back down last year and again this year, likely reflecting rising concerns over the economy as well as the increase in government spending and power.

Other Gallup data from August of this year show that [Congress has the lowest approval rating in Gallup history](#), and that satisfaction with the way things are going in this country is [near its all-time low](#).

Images of Federal Gov't, Real Estate Industry Drop the Most Over the Past Decade

Americans' views of a number of sectors have worsened dramatically between 2001 and 2011, or, in the case of the federal government, between 2003 -- the first year Gallup asked about it -- and 2011.

The images of the federal government and the real estate industry have dropped the most over the past decade. The percentage of Americans rating the government positively has declined 24 points since 2003, and the real estate industry's positive ratings have fallen 23 points since 2001. Other sectors with double-digit drops include the banking sector, education, accounting, and healthcare.

Americans view four industries more positively now than they did in August 2001: the Internet industry, electric and gas utilities, and the computer and movie industries. The current 72% positive rating for the computer industry is the highest such rating of any industry since Gallup began tracking business sectors in 2001.

Change Over Time in Positive Ratings of Business and Industry Sectors, 2001-2011

% Positive view of industry

Industry	2001	2011	Change, 2001-2011
	%	%	Pct. pts.
Internet industry	44	56	12
Electric and gas utilities	31	38	7
Computer industry	67	72	5
Movie industry	33	38	5
Legal field	29	29	0
Telephone industry	30	30	0

	%	%	Pct. pts.
Internet industry	44	56	12
Electric and gas utilities	31	38	7
Computer industry	67	72	5
Movie industry	33	38	5
Legal field	29	29	0
Telephone industry	39	39	0
Restaurant industry	62	61	-1
Sports industry	38	37	-1
Farming and agriculture	59	57	-2
Automobile industry	45	42	-3
Pharmaceutical industry	39	36	-3
Retail industry	47	44	-3
Television and radio industry	42	39	-3
Oil and gas industry	24	20	-4
Grocery industry	57	52	-5
Advertising and public relations industry	38	32	-6
Airline industry	37	29	-8
Travel industry	50	42	-8
Publishing industry	47	38	-9
Healthcare industry	37	27	-10
Accounting	47	36	-11
Education	50	35	-15
Banking	47	30	-17
Real estate industry	46	23	-23
Federal government	41*	17	-24

*Federal government first included in 2003

GALLUP

Implications

The continuing high ratings for the computer and Internet industries likely reflect the global success of such American companies as Google, Apple, and Facebook, the technology industry's apparent success even in this time of economic uncertainty, and the increasingly major role that technology plays in Americans' lives. It is less clear why food-related sectors such as the restaurant industry, farming and agriculture, and the grocery industry do so well in the eyes of Americans, but it could reflect the United States' relatively noncontroversial and efficient food supply system.

At the other end of the spectrum, poorly rated sectors have been associated with various well-publicized political or economic problems in recent years. Americans' frustration with politicians and Washington -- exacerbated by the contentious debt ceiling negotiations -- comes through in the federal government's all-time low image rating. The oil and gas industry has never done well in these image assessments, which is likely tied to swings in gas prices and the overall high price of gas.

The bad image of the real estate industry most likely reflects the housing crisis that has beset the country in recent years, and the poor image of the healthcare industry may reflect the rising cost of healthcare and uncertainty about access issues. Americans continue to view banks poorly, which clearly reflects lingering concerns from the 2008 financial crisis and subsequent failure of many banks around the country. Lawyers and the legal field have never had positive images.

Survey Methods

Results for this Gallup poll are based on telephone interviews conducted Aug. 11-14, 2011, with a random sample of 1,008 adults, aged 18 and older, living in the continental U.S. selected using random digit dial sampling.

Each respondent rated a randomly selected list of 13 of 25 industries. The data for each industry are thus based on approximately 500 national adults.

For results based on these total samples of national adults, one can say with 95% confidence that the maximum margin of sampling error is ± 5 percentage points.

Interviews are conducted with respondents on landline telephones and cellular phones, with interviews conducted in Spanish for respondents who are primarily Spanish-speaking. Each sample includes a minimum quota of 400 cell phone respondents and 600 landline respondents per

1,000 national adults, with additional minimum quotas among landline respondents by region. Landline telephone numbers are chosen at random among listed telephone numbers. Cell phone numbers are selected using random-digit-dial methods. Landline respondents are chosen at random within each household on the basis of which member had the most recent birthday.

Samples are weighted by gender, age, race, Hispanic ethnicity, education, region, adults in the household, and phone status (cell phone only/landline only/both, cell phone mostly, and having an unlisted landline number). Demographic weighting targets are based on the March 2010 Current Population Survey figures for the aged 18 and older non-institutionalized population living in U.S. telephone households. All reported margins of sampling error include the computed design effects for weighting and sample design.

In addition to sampling error, question wording and practical difficulties in conducting surveys can introduce error or bias into the findings of public opinion polls.

[View methodology, full question results, and trend data.](#)

For more details on Gallup's polling methodology, visit www.gallup.com.

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CERTIFICATE OF SERVICE

I hereby certify that I filed the original of the foregoing:

AMICUS BRIEF ON PETITION TO REVIEW BALLOT TITLE
CERTIFIED BY THE ATTORNEY GENERAL FOR INITIATIVE
PETITION 11 (2014)

DECLARATION OF DANIEL MEEK FOR AMICUS BRIEF ON
PETITION TO REVIEW BALLOT TITLE CERTIFIED BY THE
ATTORNEY GENERAL FOR INITIATIVE PETITION 11 (2014)

by Efile and (2) served the parties below through the Efile system.

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Attorney for Petitioners

Attorneys for Respondents

Dated: June 25, 2013

/s/ Daniel W. Meek

Daniel W. Meek