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Chair Burdick & members of the committee,

My name is Sal Peralta. I am a resident of McMinnville, testifying on behalf of the Independent Party of Oregon against SB 368. The main provision of this legislation is to grant counties the authority to make a pre-determination on whether a proposed charter amendment violates the single subject provisions of ORS 203.725 prior to approving a charter amendment petition for circulation.

Our party opposes the bill.

Most charter amendments that use the initiative process are brought forward by citizens as attempts to hold local jurisdictions and local elected officials accountable. If these proposed charter amendments had the support of these officeholders and county staff, their advocates would not be using an expensive and unwieldy process like the Initiative & Referendum to make changes.

Giving this authority to the counties is analogous to allowing the fox to guard the gate to henhouse.

This bill proposes to replace the current impartial process, which requires opponents to seek adjudication in court in order to prevent a measure that has otherwise met the legal requirements for circulation and instead puts the first and most crucial part of that process into the hands of the same officeholders and staff that advocates are seeking to hold accountable.

It's not a fair process that is being proposed. And it is not analogous to what the state does.

Counties do not have the same legal expertise in terms of staffing that the Secretary of State and Attorney General have. And, crucially, they lack the same checks on potential abuse of power by elected officials subject to the proposed regulation.

Whereas the Attorney General and Secretary of State are constitutional officeholders, not directly subject to the authority of legislative bodies affected by proposed changes using the initiative process, county counsels are unelected staff who are subject to the will and pleasure of the commissioners that they work for. The checks that are intended to ensure the integrity of decisions by those two agencies do not exist at the local level.

Allowing this process to go forward would replace a fair system with one that is rife with potential for abuse and undue influence.

Respectfully,

Sal Peralta
Secretary, Independent Party of Oregon