



CLASSROOM LAW PROJECT

PRESENTS

ELECTION 2022: ENVISIONING OREGON'S FUTURE

Section 2: Direct Democracy in Oregon



Direct Democracy in Oregon

Essential Questions:

- In what ways do voters have direct influence on how Oregon runs?
- What are voters currently considering in Oregon?
- What are the advantages and disadvantages of direct democracy compared to representative democracy?

Objectives:

Students will:

- Distinguish between the various forms of direct democracy allowed by the Oregon constitution.
- Evaluate current ballot proposals.
- Study an issue and propose their own solution to be considered by voters in Oregon.
- Weigh the pros and cons of direct democracy

Vocabulary:

legislation

amendment

initiative

referendum

referral

recall

ballot measure

bond

levy

Direct Democracy in Oregon Lessons

Unit Overview:

The Oregon Constitution allows voters to participate in law making for their communities through initiative, referendum, referral and recall. Students will learn the differences between these types of direct democratic action, evaluate current proposals on the November ballot, and propose their own ballot measures.

Opener: Ask students to consider why the Constitution established a republic rather than a direct democracy. What are the advantages and disadvantages of having citizens decide each and every issue when it comes to making law? Why would states like Oregon have added direct democracy into their processes in the 20th Century? How has society changed from the colonial times that would have prompted these reforms?

Direct Instruction: Close read the overview of how **Direct Democracy** works in Oregon. Clarify any confusion.

Inquiry: Students can weigh the current proposals with **Investigate a Ballot Measure**. There is also an activity in which students look into local **bonds and levies** on their county clerk's website.

Application: The **Propose a Ballot Measure** worksheet lets students come up with their own solution, provide evidence, and evaluate the likelihood of getting support.

Assessment: Have students do a **Silent Debate** activity on which type of democracy is best, direct or representative. Start with having students individually read the two points of view (see attached opinion pieces) and underline the best arguments on each side. Then have students take on the two positions themselves and debate the question by passing a paper back and forth as the teacher uses a timer. First, have students pair up, sitting side by side with a piece of paper folded in half. Each student will debate the issue, writing on only one side of the paper (have them label which position they are taking at the top of the column). Give at least two minutes of writing time before having students pass the paper to their partner.

Extension Activities:

- Have students investigate the success or failure of past ballot measures and their consequences. This could be an opportunity for more data-based writing or presentations.
- Have students look into an issue and how other states are addressing it. For example, what ballot measures are showing up in the aftermath of the recent Supreme Court decisions?
- Take the student proposals through the process. Students write their own ballot measures anonymously. Give students star stickers to put on the measures they are most supportive of. Narrow the proposals down to the ones that got at least three stars. Then break the class into teams and have students 'hired' to prepare a persuasive elevator speech to convince others to vote for their assigned ballot measure. Listen to speeches. Use Google Forms to create a class ballot and see if any of the measures pass.

An Overview of Direct Democracy

How Does Direct Democracy Work in Oregon?

In 1902, 91 percent of voters approved an amendment to the Oregon Constitution to allow for the initiative and referendum processes. The 1902 decision to give voters the ability to make legislation directly (rather than depend only on their elected representatives) and a 1908 amendment to allow voters to recall public officials were popular reforms across the country during **The Progressive Era**.

The Oregon Constitution currently provides voters with three methods to directly change state laws (both the Oregon Revised Statutes and the Oregon Constitution) as well as a recall process which allows voters to oust an elected official, by means of a direct vote, while that official is still in the middle of their term.

Initiative

The initiative process gives **direct legislative power to the voters to enact new laws, change existing laws, or amend the Oregon Constitution**

- All initiatives begin as an idea from one or more citizens (this is where the name ‘initiative’ comes from). Any person may be a chief petitioner of an initiative petition and act as the primary sponsor.
- Sponsors must gather signatures to start the process of making it to the ballot.

Referendum

- The referendum process **allows voters the opportunity to reject legislation adopted by the Legislative Assembly**
- If an Act is successfully referred to the ballot it remains **on hold** until the voters determine whether to support or reject the action of the Legislative Assembly.
- The Constitution sets the number of signatures required to qualify a referendum to the ballot

Referral

- A referral is when **a governing body places a question on the ballot for voters to decide**.
- Referrals may be prepared by a state, county, city, or district governing body.
- Any change to the Oregon Constitution passed by the Legislative Assembly requires a referral to voters.

Recall

- The Oregon Constitution allows voters to oust any non-federal public office holder from office before the term has expired.
- If a petition is submitted containing the required number of signatures and the office holder does not resign, an election will be held for voters to decide whether the person should be recalled from office.
- The recall election must be held no later than the 35th day after the last day for the public officer to resign.

Current ballot measures and historical information can be found at Ballotpedia [here](#).

Activity 2.1

Investigate a Ballot Measure

Directions: Go to https://ballotpedia.org/Oregon_2022_ballot_measures to review what ideas have qualified for voters to decide this Fall. **Pick one** from the list that interests you and write down some information about it.

Title:

Number:

Type:

Description:

Who has proposed it? What can you find out about this person or group that provides insight into why they have proposed this initiative?

Do you think this proposal is needed by Oregonians? Why or why not?

In your opinion, would this initiative if passed be good for Oregon and Oregonians? Why or why not?

How successful do you think it might be with voters? Explain.

Bonds and Levies

A **bond** is debt, offered to the public, which must eventually be repaid with interest. By contrast, a levy is a tax that towns, counties, and similar districts impose on local property owners in order to raise money for services. Municipal governments will often have different requirements for levies than for bonds.

A **levy** refers to the act of imposing a tax to raise revenue. For example, a city that needs to raise money will often levy an extra tax on property owners within the city. The city will define the dollar amount it needs. Then it will spread this amount over the city's property owners, assessing the levy on each in proportion to the size and value of their property.

1. *Read these two articles to better understand how bonds and levies work in Oregon.*

<https://pamplinmedia.com/go/42-news/553827-443188-bonds-and-levies-are-completely-different-revenue-sources-pwoff>

<https://www.opb.org/article/2022/05/11/oregon-election-school-bonds-levy-votes-on-ballot/>

2. *Now, investigate your area. Will there be any bonds or levies on the ballot in your county? Go to your county clerk's website by clicking on the county name in the list below the table [here](#) and hunt around for the elections page. Look for links to the next election and then look for measures that will be on the ballot. You should be able to see the official filing which will show you what agency put in the request (parks department, school district, city, etc) and what they are asking voters to approve.*

Describe any of the bonds you find here:

Describe any of the levies you find here:

Do you think any of these will pass? Explain.

If you were a voter, would you approve of any of these? Explain.

Activity 2.2

Propose a Ballot Measure

Title of Proposed Ballot Measure:

Is this a (circle one): **Initiative** **Referendum** **Referral**

Describe what this Measure will do if enacted:

How will this Measure help Oregonians?

What evidence do you have that Oregonians need this change? Include your sources.

How likely do you think it is that your ballot measure will be voted in? Why?



Activity 2.3

Which Type of Democracy Is Best?

The debate is not new, but it's still important. Read each point of view and underline the best arguments for each.

A. “In devising our political system, the Founders wanted above all to strike a balance between popular government and government by the elite. They did not believe in direct democracy – in which people assemble and administer government in person – because it would prove cumbersome in a country our size, and threatened a vital process: cooling the passions of the moment, encouraging deliberation and reasoned debate, and protecting the right of the minority to be heard and understood. Thus they spoke of the “mortal disease” of popular government that decides by force of numbers and immediate passions.

At the same time, the Founders wanted to ensure that the people were the rulers, not the ruled. So they opted for an indirect democracy in the form of representative government, in which people elect legislators to make decisions. By passing the public’s view through an elected body of citizens who are better positioned to discern the interests of the country, representation prevents the ills of an overbearing majority...

...the initiative process would undermine two principles vital to effective democracy: perspective and deliberation. A ballot measure addresses one issue. But making policy is a matter of choices and setting priorities when faced with a host of issues – many of them worthy, all competing for attention and money. It may seem as though building more prisons and limiting class size are unrelated issues, but they’re not: with a limited budget, doing one often means not doing the other. Legislatures are designed to allow representatives to weigh these matters and make difficult decisions about their priorities. Initiatives are not.

Cumbersome as it might seem, the legislative process allows different interests and points of view to be heard so that complex issues can be fully examined. I’d be the last to say the legislative process always works – indeed, I find the recent trend to short-circuit debate in Congress quite worrisome. But just as worrisome is the prospect of a citizenry deciding difficult questions based on 30-second television commercials.

The Founders opted for representative democracy so we would have a system of decision-making that reflects the complexity and diversity of our society, and permits us to effectively set priorities. Representative democracy enlarges and refines the public view, making it more likely that we’ll arrive at decisions that advance the public good.”

Lee Hamilton, attorney and former member of the U.S. House of Representatives representing Indiana.

B. “... research shows that direct democracy might improve happiness in two ways.

One is through its psychological effect on voters, making them feel they have a direct impact on policy outcomes. This holds even if they may not like, and thus vote against, a particular proposition. The second is that it may indeed produce policies more consistent with human well being.

The psychological benefits are obvious. By allowing people literally to be the government, just as in ancient Athens, people develop higher levels of political efficacy. In short, they may feel they have some control over their lives. Direct democracy can give people political capital because it offers a means by which citizens may place issues on the ballot for popular vote, giving them an opportunity both to set the agenda and to vote on the outcome...

States that use the initiative tend to have policies that help protect citizen prosperity, health, and security, all of which contribute to greater happiness.

This may be because citizens themselves use the initiative process to implement laws that directly aid them. Or it could be that legislators are more attentive to citizen well being in states that have mechanisms for initiative, referendum, and recall. Either way, the net impact on both satisfaction and well being is positive.

Perhaps more importantly, the study finds that lower and middle income people benefit most from initiatives. Simply put, the happiness of the rich and powerful in a state increases less (or even declines slightly) relative to happiness boost that ordinary citizens receive.

In other words, the greatest increase goes to those who are the least happy to begin with, effectively reducing the “satisfaction inequality” between the rich and poor.”

Professors of political science **Benjamin Radcliff** and **Michael Krassa**, Universities of Notre Dame and Illinois, respectively