

Ballot Measure 56: Scaling Back The Double Majority Rule – OPB

By Chris Lehman

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In politics, it's usually the case that majority rules. But not in Oregon. Over the past decade, hundreds of local tax measures have failed despite getting the majority of votes cast.

That's because of something called the Double Majority rule. But this year, Oregon voters will get the chance to tweak the 50 percent turnout requirement.

Salem correspondent Chris Lehman explains, as part of our series "Ballot Measure Backstory".

Vicki Berger is a Republican State Representative from Salem. You might not expect her to support a measure that makes it easier for local governments to raise taxes. But Berger says when a fire department bond measure failed, she felt vulnerable.

Vicki Berger: "It lost because of double majority. And so for quite a few more years, I felt I was totally underserved in terms of fire protection. And it matters to me. If my house burns down, it matters a lot."

The bond would have led to the construction of a new fire station in Berger's growing West Salem neighborhood. But the measure failed, even though 55 percent of those who voted gave it their thumbs up.

That's because fewer than half of all eligible voters bothered to cast a ballot.

Nearly all lawmakers in the state have tales of failed tax measures in their districts.

The Legislature referred Measure 56 to this year's ballot. It lifts the 50 percent voter turnout requirement in all but a handful of elections. Berger says it's no longer necessary to protect voters from sneak attempts to raise taxes.



Chris Lehman/NNN

Construction is under way on this fire station in Salem. A fire construction bond passed in 2006 on its third attempt. An earlier attempt failed due to the double majority rule.

Vicki Berger: “I think there were some legitimate questions when double majority was put into effect about elections that kind of flew under the radar. Those things have gone away in recent years with mail-in ballots that clearly say it’s a tax vote.”

But not everyone buys the argument that vote-by-mail weakens the case for the double majority rule.

One of them is Steve Buckstein, an analyst with the Cascade Policy Institute. It’s conservative Portland think-tank.

He says people who don’t vote are making a statement against a tax increase. And he says if you do the math, the double majority rule is still a pretty low threshold.

Steve Buckstein: “If half the voters show up at the polls, and half of those plus one vote for the tax, that means 25 percent of all registered voters can impose a tax on their neighbors. That’s a pretty low standard. If you eliminate that standard or weaken it, that means 20 percent or 10 percent or 5 percent of all registered voters can impose a tax on anyone else.”

Supporters of the measure come back to the fundamentals. They say that people who don’t vote shouldn’t be given a say in how an election turns out.

Oregon Senate Majority Leader Richard Devlin is a Democrat from suburban Portland.

Richard Devlin: “I just think it is fundamentally wrong in a participatory democracy to give more weight to people that don’t participate than to people that participate. And I think that’s what the double majority does.”

Local governments who don’t want to deal with the double majority rule do have a workaround in place. November elections in even numbered years aren’t subject to the rule.

That’s the kind of election that produced a victory for the Salem fire station bond on the third try, eight years after the first attempt. Here, a fire station is under construction in West Salem.

But Salem Deputy Fire Chief Joe Parrott says there’s a downside to using the non-affected elections -- jockeying to make sure your tax passed.

Joe Parrott: “It’s clearly a consideration for any -- whether it be fire departments, or parks districts or whoever that’s looking to propose a money measure to the voters. There’s a lot of competition.”

Supporters of Measure 56 hope to ease that competition by spreading out tax measures over the course of the year.

Opponents say the double majority rule is still an important tool in keeping government spending in check.

