

JOHN R. KROGER
Attorney General



MARY H. WILLIAMS
Deputy Attorney General

DEPARTMENT OF JUSTICE
APPELLATE DIVISION

November 17, 2009

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

Re: Certified Ballot Titles for Ballot Measures 66 and 67

Dear Mr. Trout:

Pursuant to 2009 Or Laws, ch 714, § 12(7), enclosed are copies of the certified modified ballot titles for Ballot Measures 66 and 67. The ballot titles were modified in accordance with the Supreme Court's decisions on November 13, 2009, in *McCormick v. Kroger*, S Ct No. S057931, and *Livingston v. Kroger*, S Ct No. S057933.

We hereby certify to you the ballot titles for the above-referenced ballot measures.

Sincerely,

Erin C. Lagesen
Assistant Attorney General

ECL:mlk/1724642

Enclosure

Lynn Rosik, General Counsel Division

John DiLorenzo Jr.
Gregory A. Chaimov
Davis, Wright & Tremaine, LLP
1300 S.W. Fifth, Ave., Suite 2300
Portland, Oregon 97201-5682

Paul S. Cosgrove
Lindsay Hart Neil Weigler
220 NW Skyline Blvd
Portland, Oregon 97210

John Thomas
246 B Street
Independence, Oregon 97351

Dexter Johnson
Legislative Counsel for the
Legislative Assembly
900 Court Street NE, Rm. S101
Salem, Oregon 97301

Ramona Kenady
Chief of the House
900 Court Street NE, H 271
Salem, Oregon 97301

Judy Hall
Secretary of the Senate
900 Court Street NE, Rm. 233
Salem, Oregon 97301

RECEIVED
2009 NOV 17 11 3: 12
SECRETARY OF STATE

November 17, 2009

Page 2

Steven C. Berman
Our Oregon
1638 NE Davis Street
Portland, Oregon 97232

STEVEN C. BERMAN
SECRETARY OF THE STATE

2009 NOV 17 PM 3:12

RECEIVED

BALLOT TITLE

**RAISES TAX ON HOUSEHOLD INCOME AT AND ABOVE \$250,000
(AND \$125,000 FOR INDIVIDUAL FILERS). REDUCES INCOME TAXES
ON UNEMPLOYMENT BENEFITS IN 2009. PROVIDES FUNDS
CURRENTLY BUDGETED FOR EDUCATION, HEALTH CARE, PUBLIC
SAFETY, OTHER SERVICES**

RESULT OF "YES" VOTE: "Yes" vote raises taxes on income at and above \$250,000 for households, \$125,000 for individual filers. Tax rate increases 1.8 percentage points on amount of taxable income between \$250,000 and \$500,000, 2 percentage points on amount above \$500,000 for households. For individual filers, the rate increases begin at \$125,000 and \$250,000 respectively. Eliminates income taxes on the first \$2,400 of unemployment benefits received in 2009. Raises estimated \$472 million to provide funds currently budgeted for education, health care, public safety, other services.

RESULT OF "NO" VOTE: "No" vote rejects tax changes on income at and above \$250,000 for households, \$125,000 for individual filers. Rejects tax exemption for first \$2,400 of unemployment benefits received in 2009. Leaves amount currently budgeted for education, health care, public safety, other services underfunded by estimated \$472 million.

SUMMARY: Under current law, a marginal tax rate of 9% applies to taxable household income over \$15,200 (or \$7,600 for individual filers), taxpayers may deduct federal income taxes paid, and unemployment compensation is taxable. Measure eliminates income taxes on first \$2,400 of unemployment benefits received in 2009. For tax years 2009-2011, the measure increases tax rate

Certified by Attorney General on November 17, 2009.

Assistant Attorney General

1.8 percentage points on amount of household income between \$250,000 and \$500,000, by 2 percentage points on amount above \$500,000 (for individual filers, rate increases begin at \$125,000 and \$250,000, respectively). For the tax year beginning 2012, the tax rate for households with income above \$250,000 (above \$125,000 for single filers) will drop to 9.9%. Measure does not increase tax rate on household income below \$250,000 (below \$125,000 for individual filers). For households with adjusted gross income at or above \$250,000 (or \$125,000 for individual filers), reduces federal income tax deduction. Raises \$472 million to provide funds currently budgeted for education, health care, public safety, other services. Because some state money brings in federal matching funds, Oregon will likely receive more federal money if measure passes than if it fails. Other provisions.

RECEIVED
2009 NOV 17 PM 3:13
SECRETARY OF THE STATE

JOHN R. KROGER
Attorney General



MARY H. WILLIAMS
Deputy Attorney General

DEPARTMENT OF JUSTICE
APPELLATE DIVISION

November 17, 2009

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

Re: Certified Ballot Titles for Ballot Measures 66 and 67

Dear Mr. Trout:

Pursuant to 2009 Or Laws, ch 714, § 12(7), enclosed are copies of the certified modified ballot titles for Ballot Measures 66 and 67. The ballot titles were modified in accordance with the Supreme Court's decisions on November 13, 2009, in *McCormick v. Kroger*, S Ct No. S057931, and *Livingston v. Kroger*, S Ct No. S057933.

We hereby certify to you the ballot titles for the above-referenced ballot measures.

Sincerely,

Erin C. Lagesen
Assistant Attorney General

ECL:mlk/1724642

Enclosure

Lynn Rosik, General Counsel Division

John DiLorenzo Jr.
Gregory A. Chaimov
Davis, Wright & Tremaine, LLP
1300 S.W. Fifth, Ave., Suite 2300
Portland, Oregon 97201-5682

Paul S. Cosgrove
Lindsay Hart Neil Weigler
220 NW Skyline Blvd
Portland, Oregon 97210

John Thomas
246 B Street
Independence, Oregon 97351

Dexter Johnson
Legislative Counsel for the
Legislative Assembly
900 Court Street NE, Rm. S101
Salem, Oregon 97301

Ramona Kenady
Chief of the House
900 Court Street NE, H 271
Salem, Oregon 97301

Judy Hall
Secretary of the Senate
900 Court Street NE, Rm. 233
Salem, Oregon 97301

2009 NOV 17 PM 3:12
RECEIVED
SECRETARY OF STATE

November 17, 2009
Page 2

Steven C. Berman
Our Oregon
1638 NE Davis Street
Portland, Oregon 97232

STATE OF OREGON
SECRETARY OF THE STATE

2009 NOV 17 PM 3:12

RECEIVED

RECEIVED

Certified by Attorney General on November 17, 2009.

2009 NOV 17 PM 3:13

Assistant Attorney General

MARK BROWN
SECRETARY OF THE STATE

BALLOT TITLE

**RAISES \$10 CORPORATE MINIMUM TAX, BUSINESS MINIMUM TAX,
CORPORATE PROFITS TAX. PROVIDES FUNDS CURRENTLY
BUDGETED FOR EDUCATION, HEALTH CARE, PUBLIC SAFETY,
OTHER SERVICES**

RESULT OF "YES" VOTE: "Yes" vote raises \$10 corporate minimum tax, establishes \$150 minimum tax for most businesses or minimum tax of approximately 0.1% of total Oregon revenues for some corporations with over \$500,000 in Oregon revenues. Raises tax rate some corporations pay on profits by 1.3 percentage points. Increases certain business filing fees. Raises estimated \$255 million to provide funds currently budgeted for education, health care, public safety, other services.

RESULT OF "NO" VOTE: "No" vote retains \$10 corporate minimum tax, rejects \$150 minimum tax, rejects raising corporate profits tax, other changes. Leaves amount currently budgeted for education, health care, public safety, other services underfunded by estimated \$255 million.

SUMMARY: Under current law, corporations conducting business in Oregon pay \$10 minimum tax; tax has not changed since 1931. Some corporations pay a profits tax of 6.6%. All other businesses pay no minimum or profits tax. Beginning in tax year 2009, the Measure increases \$10 minimum corporate tax to \$150; some corporations with over \$500,000 in Oregon revenues will pay minimum tax of approximately 0.1% of Oregon revenues. Limits tax to \$150 for S corporations and partnerships. Sole proprietors are not impacted by this measure. Raises tax rate some corporations pay on profits by 1.3 percentage

Certified by Attorney General on November 17, 2009.

~~Assistant Attorney General~~

points until 2011; increase then drops to 1 percentage point and as of 2013, applies only to profits over \$10 million. Corporations pay minimum tax or profits tax, not both. Increases filing fees by \$50 for Oregon businesses, by \$225 for out of state businesses. Raises estimated \$255 million to provide funds currently budgeted for education, health care, public safety, other services. Because some state money brings in federal matching funds, Oregon will likely receive more federal money if measure passes than if the Measure fails. Other provisions.

RECEIVED

2009 NOV 17 PM 3:13

SECRETARY OF THE STATE