



OREGON HUNTERS ASSOCIATION

Protecting Oregon's Wildlife, Habitat and Hunting Heritage

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May 7, 2018

The Honorable Dennis Richardson
Secretary of State
255 Capitol St NE, Suite 501
Salem, OR 97310

The Honorable Eileen Rosenblum
Attorney General of Oregon
1162 Court St NE
Salem, OR 97301

Subject: Comments on Initiative Petition 43 Draft Ballot Title, Constitutional Concerns

The Oregon Hunters Association, with over 10,000 members statewide, is submitting the following comments on the draft ballot title for Initiative Petition 43. We are an association of law abiding sportsmen and women who commonly use a variety of firearms, including semi-automatic weapons, that will be negatively impacted by IP 43. First and foremost, we believe IP 43 violates Article 1, Section 27 of the Oregon Constitution, and our Second Amendment rights under the U.S. Constitution.

The Draft Ballot Title for IP 43 is extremely misleading by omission and does not adequately summarize the full and far-reaching effects this Initiative Petition could have on hundreds of thousands of law-abiding Oregonians including hunters, hikers, off-duty law enforcement officers, women victimized by domestic violence, and vulnerable populations such as the elderly and mobility impaired.

The ballot measure title is grossly misleading. Because of restrictions included in the initiative on how and where firearms that are currently legally owned can be used, a more accurate ballot title would read '**Creates felony for possession of most semi-automatic handguns, rifles, shotguns, and their magazines; exceptions**'.

A voter should not have to read the confusing definition of "assault weapon", which is quite lengthy in this initiative, in order to understand what the initiative would do. It should be self-evident in the title and 15 words are adequate to accomplish that as shown above. Additionally, the term "assault weapons" is extremely ambiguous and often associated by the voting public with military weapons which are not legally available to the vast majority of Oregonians. This is misleading, so including in the title the particular types of firearms (semi-automatics) that this initiative defines as "assault weapons" makes it much clearer to the voting public how a vote for or against this initiative would affect them.

As responsible gun owners, we have read and re-read the definition of "assault weapon" and it generates a great deal of uncertainty as to which firearms it would apply to. A thumbhole stock, for example, is a very common type of stock used for competitive target shooting as well as hunting. Whether a stock places your fingers under the gun's action depends on the firearm's design and human ergonomics. Everyone's hands are different and stocks/actions come in many variations. Many commonly used hunting firearms are "capable" of accepting a higher capacity magazine, including popular .22 caliber rifles. Nobody looks at these and thinks "that's an assault rifle", but they get caught in the poorly written language of this measure, and the misleading title doesn't give any hint to that.

IP 43 also deals with two separate subjects, in violation of Article IV (1)(d) of the Oregon Constitution. The petitioners identify two separate subjects in the description of IP 43: 1) "Assault weapons" and 2) large capacity ammunition magazines. Further, this measure creates two separate crimes covering two separate subjects: 1. Unlawful possession of an assault weapon, and 2. Unlawful possession of a large capacity ammunition magazine. These are not "matters properly related therewith" as provided in Article IV.

In addition, this measure would prohibit hunting with any firearm that falls under the definition, **even if the weapon was registered** with the Oregon State Police. Section 5 of IP 43 prohibits possession of a semi-automatic weapon outside of 6 very narrow conditions Section 5 (4)(b) (A to F). **The ballot title and summary fails to mention that hunting or possession of affected firearms, even if registered, would be prohibited on all public lands in Oregon.** This is a very big change to current laws and is completely swept under the rug in the ballot title and summary. This is another example of adding multiple subjects in violation of Article IV.

Further, IP 43 creates a huge new firearm owners registry program. This new program is another example of things that are not "a matter related therewith" because the measure is supposed to only deal with assault weapons and should be considered a separate issue under Article IV(1)(d).

We also note the extreme bias created by the "YES" and "NO" statements. The language in the Yes and No vote statements must parallel each other. ORS 250.035 (3). The 2(b) and 2(c) statements are to be written so that a 'yes' or 'no' response to the respective statements would equal a 'yes' or 'no' vote, respectively, to the measure.

'The 'yes' and 'no' vote statements are not parallel where each uses different phrases. The "average voter" skimming both statements would be led toward a conclusion in favor of a 'yes' vote, rather than a 'no' vote. The 'yes' vote statement uses words with a culturally positive connotation, e.g. "State Police", "military" and "police", suggesting a 'yes' vote is for police and law and order. The 'no' vote statement uses words with a culturally negative connotation, e.g. 'convicted felons', 'domestic abusers' and 'civilly committed persons' suggesting a 'no' vote is for bad people. Further, another contrast between the 'yes' and 'no' statements is their respective use of "assault weapons", a visceral and powerful phrase prompting recollections of recent tragedies, as opposed to "firearms".

The ballot title and measure summary are misleading and biased. It deals with multiple subjects in violation of the Oregon Constitution. IP 43 clearly violates Article 1, Section 27 of the

Oregon Constitution and the Second Amendment of the U.S. Constitution. This ballot measure title and summary are flawed and should be rejected. The law abiding members of our Association expect you will take a hard look at what this measure says and does, and not allow our rights to be swept away by this unconstitutional, poorly written and ill-conceived measure.

Sincerely,

A handwritten signature in cursive script, appearing to read "Fred Walasavage", with a horizontal line drawn underneath the name.

Fred Walasavage, Chairman
Oregon Hunters Association