

Retiree Review

A publication of the Oregon Alliance for Retired Americans

Special Edition: Election 2006

This *Special Election 2006* issue of the *Oregon Alliance for Retired Americans Retiree Review* is an attempt to give you information on each of the Ballot Measures that will appear on your ballot in the November election. We've tried to provide a cross-section of pros and cons, as well as intent, insight and opinion from supporter, opponents, and the news media. We encourage you to read this information so you will be educated on the issues brought by these Ballot Measures. And above all, we encourage you to exercise your right and responsibility and VOTE.

Ballots are due to your county election board by 8 pm November 7.

Measure 39

would prohibit state and local governments from using their power of eminent domain to seize private property and give it to another private entity. Its chief sponsor is Oregonians in Action. This measure is part of a national reaction by property rights advocates to a 2005 U.S. Supreme Court decision that upheld the right of the city of New London, Conn., to condemn private property for use in a private waterfront redevelopment project to expand the city's tax base. This costly measure could have unintended consequences; it could make urban renewal programs more difficult, or could cause more condemned land to be owned by government entities. That means:

- Waterfront redevelopment with stores and pedestrian walkways will become more expensive.
- Development of a business park to create jobs will require that the government own it, and the land it sits on.
- A public economic development project that involves selling property won't be allowed.
- Most disagreements over the value of condemned property will be driven into court rather than negotiation, where the cost of lawyers alone will prevent many communities from

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Measure 40

is a constitutional amendment which would require that judges of the Oregon Supreme Court and state Court of Appeals be elected by District. This isn't the first time Oregonians have been presented with this idea in the form of a ballot measure. Voters said in 2002 that they wanted to elect the best person for the job, and that geographic representation has nothing to do with impartial interpretation of the law. Judges should be selected on merit, not politics. Geography has nothing to do with justice. Oregon needs a system of judicial selection as free from political influence as possible. Measure 40 would make it easier for special interest groups to defeat judges whose decisions they don't like, and would also upset the constitutional balance of power. The Legislature is designed to be the branch of government that geographically represents state voters. There is nothing geographic or representative about truth and justice. Judges should not represent geographical districts—they should act in the interest of all the people of the State.

For about 100 years, our appellate judges have been elected on a nonpartisan ballot, and we get to vote for all seven Supreme Court justices and 10 Court of Appeals judges. Measure 40 would reduce everybody's vote to two Court of Appeals judges and one Supreme Court judge. The prime qualification would be geography rather than legal ability, thus politicizing judicial races and seriously eroding our heritage of highly skilled and impartial judges.

One newspaper editorial compared this situation to the days when every little town had a semipro baseball team. Many local workers played on these teams at night. Others made a few extra bucks by umpiring games, but not in their own town or in a game involving their own team. No one wanted to be "hometowned" by the ump, so everyone kept it neutral. In that spirit, judges

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Measure 41

would cut state tax revenues by allowing taxpayers to use the more generous federal personal tax exemption instead of a state tax credit. If passed, state revenues would be reduced by more than \$400 million a year beginning in 2008, necessitating hundreds of millions of dollars in cuts to state services, including an immediate, retroactive cut to the current budget. To repeat: it's retroactive. If the measure passes, our schools and other services lose money they've already budgeted for. In the current budget period, Oregon would lose \$151 million from its general fund. In the next, Oregon would lose another \$641 million. The "savings" to individual taxpayers are estimated at less than \$20 a month.

Furthermore, state revenues would then be subject to changes of federal law by Congress. In 2001, the current President Bush repealed the first President Bush's income tax reform, which reduced the personal exemptions of the very highest income taxpayers. Thus, as the new Federal rules are fully implemented, the richest Oregonians will see their Measure 41 kick-back jump each and every year through 2010.

This measure is confusing and more complicated than it seems. While promising accountability, it simply cuts funding for schools and other public services, and will cost taxpayers a good deal more in the not-too-distant future. With 90% of the state's budget going to fund education, health care, senior services, and public safety, cutting services to seniors and kids isn't the way to force the government to become more accountable. Change to the way our government is run should not be done on the backs of seniors on a fixed income, low-income families, and students. This measure will have a boomerang effect. Oregonians will feel the pinch in increased

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The ARA National Convention

By Verna Porter, President, Oregon Alliance for Americans



The first week of September took me to the Alliance for Retired Americans Annual Convention

in Washington, D.C. I came away feeling heartened and encouraged because the results of organizing efforts in thirty states are starting to show. We're learning by doing, and there are signs of healthy growth in many state Alliances. There was much interaction, sharing of ideas and encouragement among the state presidents. The prognosis for our future keeps improving.

Several very productive workshops were held on how to increase and educate our membership; coalition building, and outreach to community-based groups. A media-training workshop was offered to help activists become comfortable telling their stories

in front of TV cameras and microphones. Activists from both the Oregon Alliance and the Washington State Alliance (WASARA) rated highly on the use of in-state newsletters to make our organizations better known, as well as the frequency of our appearance on panels, cable TV, radio and newspaper interviews. Many other state Alliances have not fared as well, and so were eager to hear how to make it happen.

I also learned that both WASARA and ORARA are unusually visible to our elected state and national officials. Leaders from several other State Alliances were surprised to hear that our legislators know us and seek for our opinions.

It was certainly energizing to be part of a rally in front of the US Capitol, at which Sen. Reid (NV), Rep. Pelosi (CA) and twelve other influential Senators and House Members pledged to a thousand retirees and union members that they'd stick with the Alliance in resisting George W. Bush's announced intention to *modernize* (that's code for *privatize*) Social Security in 2007.

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The *Retiree Review* is printed by union printers, members of AFT Local 3922, at Portland Community College.

Measure 42

prohibits insurance companies from using credit score or "credit worthiness" in calculating rates or premiums. In this state, insurance companies can use a person's gender and age to determine what they pay for insurance. In 2003, the Legislature prohibited insurance companies from using the credit information of existing policyholders to decide whether to raise rates or drop a policy. Ballot Measure 42 would expand the state's current law, to include banning the use of credit scoring at initial purchase.

Insurance companies have long used a person's credit history in their underwriting process. Although not done in every state, about 90 percent of the market uses credit scoring, according to the Insurance Information Institute, although the practice has come under fire in recent years. Critics say it targets lower-income people, and is done without a clear understanding of the customers affected. Additionally, many say credit information can be inaccurate, making it a weak tool. In 2006, at least 18 states considered clamping down on the practice.

While insurance companies are universally opposed to the measure, the people that have to explain the rates and premiums to their customers, the agents, are split. Some say it's like double jeopardy to exact higher premiums from policyholders with poor credit because they would see their rates rise again after an accident. Other agents say that people with good credit file fewer claims and shouldn't have to subsidize those with poor credit records.

But there's no split opinion among insurance companies, which would have to rethink their rate formulas and file them with the state if the measure is approved. A big lineup of insurers and business groups opposes the measure, and has enlisted lobbyists, business and commercial groups in the campaign to defeat the measure, although it's not clear whether commercial insurance would be affected. They claim the measure is not needed because Oregon's law is among the strongest in the country.

They argue that voting "yes" on Measure 42 would raise their insurance premiums. Because 60 percent of Oregonians have good credit, they say, banning credit scoring will increase premiums for the majority while subsidizing the 40 percent with bad credit reports. The 60% figure should be viewed skeptically, since it's based on the credit score used by mortgage lenders to judge a loan applicant's ability to pay, to back up its assertion that 60 percent of the

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Help for Seniors

Do you or someone you know need help with Medicare? Having problems with Part D Prescription coverage? Questions about co-pays?

Need transportation? Difficulties getting to doctor or other appointments? Need In-Home support or Legal help?

Do you suffer from abuse, or suspect someone else is? Need help with housing or meals?

For all these and other problems related to aging and disabilities, call SHIBA (Senior Health Insurance Benefits Assistance).

24-Hour help line: 503-988-3646

503-988-3683 (TTY)

Additional Help:

Having difficulty paying for co-pays, deductibles, and other out-of-pocket costs for Medicare Part D?

If you live in Multnomah County call Aging & Disability Services Helpline: 503-988-3646

Measure 43

would require 48-hour written notice to parents before females ages 15 through 17 could obtain an abortion. Parental consent is already required for a child younger than 15 to undergo any medical procedure.

Most Oregonians would hope a teenage girl with an unintended pregnancy could talk to her parents about getting help, whether an early-term abortion or prompt prenatal care. The question for voters is whether the government should force its way into the conversation about abortion. A "no" vote would maintain current laws on adolescent health, which are based on sound public policy, and it would protect the doctor-patient relationship from government intrusion. A "yes" vote would simply put a new obstacle between pregnant teenagers and timely medical care.

Measure 43 sponsors say the measure is necessary to close what they characterize as an abortion loophole: They say abortion has a unique status in Oregon as the one thing teenagers can do without parents' knowledge or consent. Their claim is false.

Under Oregon law, children need parental consent for nearly all medical treatment, but the rules begin to change in adolescence. Minors of any age can seek confidential birth control. Those who become pregnant can decide on their own to give birth and keep their babies or place them for adoption. By age 14, teenagers can be treated for mental health problems or drug addictions without parental involvement. By age 15, they are considered old enough to consent to most medical care, including HIV testing and treatment, dental work, hospital care, surgery and abortion.

In all these cases, doctors are explicitly empowered to talk to parents without the patient's consent "whenever the disclosure is clinically appropriate and will serve the best interests of the minor's treatment," for example, if clinical depression is the issue. What's more, doctors are guided by professional medical ethics -- and common sense -- to involve parents whenever possible. But parental involvement is encouraged rather than required because decades of research has shown that people--not just teenagers--will delay or avoid getting help for sensitive medical issues when they fear being judged. With pregnancy, when every week counts, this is the biggest health risk of parental-notification laws. Measure 43 offers teenage girls who are ashamed or fear a violent reaction at home the option of requesting a hearing with the state to plead their case before an administrative judge. Do Oregon voters relish requiring *anyone* to plead for medical care from a bureaucrat. One would hope not.

The teen pregnancy and abortion rates in Oregon have plummeted over the past 20 years. The state is ranked sixth in the nation for smart family planning. Similarly, current laws governing minors and health care don't directly affect most families. Usually, the parents are right there in the waiting room, offering support and holding the credit card. If a parental notification law passed, only a

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purchasing land necessary for new roads, bridges, schools, sewer and water systems and other valuable public resources.

Measure 39 is the brainchild of the Oregon arm of a national "small government" organization called Americans for Limited Government (ALG), whose Board Chairman is New York real estate mogul Howie Rich, the man behind the TABOR initiative known as Measure 48. ALG's website proudly displays laudatory quotes from The Cato Institute; the Club for Growth (a GOP fundraising group that supports tax cuts for the top bracket), and one of the US Senate's staunchest right-wing radicals, Tom Coburn (R-Oklahoma).

Measure 44

would allow any Oregon resident without prescription drug coverage to participate in the Oregon Prescription Drug Program. This drug discount program is currently open only to uninsured Oregonians age 55 and older with incomes less than \$18,130, who have not had drug coverage for at least six months. Measure 44 would expand the state prescription drug program to cover all residents without drug coverage.

The program offers discounts of 30% to 60% on prescription medication for about 150,000 residents. If approved, the initiative, which is sponsored by state Sen. Bill Morrisette (D-Springfield), would be expanded to about 600,000 uninsured residents regardless of age or income. The measure would enable the state to gain more negotiating power when purchasing in bulk from pharmaceutical companies, the Oregonian reports.

Measure 44 is the result of failed legislative attempts to expand the state drug program last year. The expansion originally started as legislation introduced last session by Morrisette, who sought to open up the Oregon Prescription Drug Program to all uninsured Oregonians -- about one-third of the population. His bill had clear bipartisan support and passed the Senate, only to die in the Republican-controlled House. This successful program, enacted by the 2003 Legislature, allows the state to buy prescription drugs in bulk for low-income seniors without drug coverage, as well as for school districts and local governments. The plan is saving Oregonians as much as 60 percent on their medicine.

The Oregonian said last month that last year's Legislature should have passed this law to make prescription drugs less expensive for the uninsured. The paper also called it "telling" that Measure 44 will have **no** Arguments in Opposition in this fall's Oregon Voters' Pamphlet, and wondered, "... why should it? Without costing taxpayers a penny it will make prescription drugs more affordable for the more than 1 million Oregonians who have no drug insurance."

"Basically," Morrisette says, "PhRMA (the Pharmaceutical Research and Manufacturers of America) killed the bill." PhRMA is a powerful industry lobby that doesn't like expanded bulk purchasing, because a bigger pool gives Oregon more leverage to negotiate lower prices. It's one of the cornerstones of free market capitalism.

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are the umpires of our democracy. Oregon has a long and well-deserved tradition of impartiality. Judges are beholden only to the law. That's the way the system was designed, and the vast majority of Oregonians appear to think it works very well.

"Not so!" says FreedomWorks, a well-funded D.C. lobbying group headed by former House Majority Leader Dick Armey of Texas. It sponsored Measure 40, which would divide the state into districts for the election of our Supreme Court and Court of Appeals judges, because, it claims, judges must be "accountable to the People and...adequately represent all areas of the State." The FreedomWorks press release announcing the measure says judges "have been usurping the will of the people and...nullifying the will of the voters." That sounds like a solution in search of a problem.

In America, the judicial branch is a check on the legislative and executive branches of government. The Legislature makes the laws, the executive carries them out and the judiciary applies the law. Judges are democracy's umpires. It is not their role to "represent the people" or carry out the will of the voters. It is their job to decide cases as the law requires, whether it pleases the people, the governor, the Legislature or anyone else. You wouldn't want your team to have its own umpire. You might always win at home, but you'd likely lose 'em all on the road.

Measure 45

is a constitutional amendment which would limit state legislators to six years as a representative, eight years as a senator, and fourteen years total in the Legislature

An editorial in The Bend Bulletin may have summed it up best: *The question voters ought to ask themselves when they receive their ballots at the end of October is this: Are you capable of voting intelligently in legislative races? If the answer is 'yes,' then it should be impossible to support Measure 45, which assumes that voters are too dumb to vote for anyone but an incumbent. Those voters whose answer is 'no,' on the other hand, should do everyone else a favor and dump their ballots in the trash.*

The experiment with term limits is over. It failed. Only four years ago, the Oregon Supreme Court ruled it out of the Oregon Constitution because of the way it was written. By that time, the 1992 term limit law had already done its damage. Measure 45 is part of a crafty national movement to restrict legislative government at all levels to the same term-limit language. Look past the rhetoric—this is not a "citizens" movement. Lobbyists benefit most from term limits because they're the only people who've been around long enough to take advantage of the "new kids on the block."

With term limits voters remove themselves from the picture in the name of expediency. It's appealing because it's simple. Rather than research performance, clean everyone out no matter what. The ballot gets watered down and you lose a little more of your right to make a choice. By the time a legislator figures out what's needed and how to get things done, time's up. "Fresh blood," indeed! The framers of the U.S. Constitution knew this. Alexander Hamilton said of term limits, "Nothing appears more plausible at first sight, nor more ill-founded upon close inspection."

Another framer, Roger Sherman, said: "Frequent elections are necessary to preserve the good behavior of rulers. They also tend to give permanency to the Government, by preserving that good behavior, because it ensures their re-election."

There are two questions one should be asking: What incentive would elected officials have to do the best job possible if they were out no matter what? What do you make of a government in which entrenched lobbyists and career bureaucrats combine to tutor inexperienced fresh faces every few sessions?

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fees and hidden costs as a result of this measure. One way or another we will pay for critical public services Oregonians rely on.

Opposed by the Oregon Software Association AND the Pendleton Grain Growers Association, a ballot measure that would net you two hundred dollars a year justifies one major daily newspaper's opinion that "Bill Sizemore has a track record of idiotic measures, and this adds to that list." Another ballot measure fronted by Sizemore and bankrolled by the very wealthy and very strange Loren Parks is not the answer to real and imagined problems with our tax system.

"There is a direct relationship between the bread box and the ballot box. What the union fights for and wins at the bargaining table can be taken away in the legislative halls."

-- Walter Reuther, 1907—1970

For over a half a century, Reuther's words have withstood the tests of time. They are truly words our generation and generations after us should never forget.

Measures 46 and 47:

Measure 46 is a constitutional amendment that would override previous Oregon Supreme Court decisions and allow campaign contribution and expenditure limits if approved by an initiative or a three-fourths vote of both houses of the legislature.

Measure 47 is a complex implementing statute that depends on Measure 46 for its authority and that provides campaign contribution and spending limits and other revisions to campaign finance laws. The Oregon Court of Appeals recently ruled that this measure contains two subjects and is thus unconstitutional; this ruling is being appealed.

There's lots of concern about the wording of Measure 46, which must pass to allow Measure 47 to take effect. Measure 46 says that voters, through the initiative process, or the Legislature by a three-fourths majority of both houses, may enact limits on campaign spending and contributions. The League of Women Voters says it's dangerous to require a super-majority, tying the hands of lawmakers when they are the ones that would be called on to fix problems that might arise with the new election law. After reading Measure 47, many people agree.

Measure 47 would create a complex web of rules, establish new political organizations called "small-donor committees," and require individual donors to register with the state if they wanted to contribute more than \$500 overall in any election. The donor would apply for and receive a "handle" — essentially an ID number — from the secretary of state. Donors would be required to provide their "handle" to candidates or groups to whom they contributed.

Contributions to candidates from unions and corporations would be banned outright. Individual contributions would be limited to \$500 to any one candidate for statewide office, \$100 to other office seekers, and \$2,500 per year overall. Individuals could, however, spend up to \$10,000 on "independent expenditures" supporting or opposing a candidate. Candidates could spend no more than \$50,000

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population has good credit. The problem is that each company has its own insurance scoring formula, which often includes more than a dozen other factors and weightings. Worse: you can't find out your insurance score or how it's derived. For competitive reasons, the insurance companies keep their scoring formulas secret.

Credit scoring is not allowed in California; if companies want to use it, they have to prove it's not discriminatory--something no one has yet been willing to try. California's ban on credit scoring has not sent premiums soaring. Despite industry claims that auto insurance rates would rise, rates are apparently dropping as competition for market share increases with the advent of new state rules, which reduce the weight given to a driver's home address in setting rates. Instead, the rates must now be based primarily on safety record, driving experience and number of miles driven.

The Oregon Insurance Division simply says premiums may increase if you have a good credit score or decrease if you have a low credit score. An independent study claims Oregonians pay \$115 less for auto insurance and \$60 less for homeowners insurance if they have good credit. They also claim that 60 percent of Oregon auto policyholders and 53 percent of home policyholders pay lower rates than they would if credit information was not used. The study was commissioned and paid for by opponents to Measure 42, and used data supplied by them.

Measure 48

The self styled Taxpayer Bill of Rights, also called TABOR, is a constitutional amendment that would limit the biennial increase in state spending to a complicated formula (basically, the percentage increase in state population plus inflation). Colorado voted it out last year, with the full cooperation of a Republican leaning state government that encouraged its passage in 1992. Like Oregon's Measure 48, it did not account for the real costs of sustaining state services. It forced deep cuts in education, healthcare, and infrastructure there. In the 13 years it existed, TABOR's impacts to Colorado's public education system were severe. The high school graduation rate tumbled to a rank of 48th worst in the nation, as TABOR dropped spending on K-through-12 from 35th to 49th and spending on higher education from 35th to 48th.

This deceptively simple proposal ignores the fact that government spending does not keep pace with population and inflation during a recession; therefore, state spending would fall farther and farther behind with each economic cycle. One suspects this is what the drafters had in mind. Another fundamental problem with TABOR is that its formula does not allow for growth variance among populations. Those who rely on state services - such as seniors and those who put large demands on state revenue (Oregon's prison population) - are slated to grow faster than the general population. As a result, the Oregon legislature would be forced to make deep cuts that would increase class size, lay off teachers, limit access to health care, close prisons and much more.

The proponents' claim is that TABOR creates a rainy-day fund for

Oregon. Even Don McIntire, its chief proponent, said "the amendment does not create a rainy day fund." Make note: Measure 48 doesn't specify what will be done with excess revenue. Rechristening Measure 48 as the Rainy Day Amendment is an attempt to soften one of the worst consequences of applying the TABOR formula to Oregon. State spending in Oregon actually declined in the 2001-03 biennium, when a recession led to a 25 percent reduction in income tax receipts. Without a rainy day fund, the resulting lower spending level would become the base for calculating allowable spending in future years.

After hitting bottom by an economic downturn, the spending limit would prevent state government from getting back on its feet. An adequate reserve fund, supporters argue, would allow limited spending increases even during a recession. But there's no guarantee that Measure 48 would help Oregon build up a rainy day account. Legislators, prevented from funding state programs with income in excess of the Measure 48 limit, would once again be tempted to turn to tax breaks. The spending limit would also tightly restrict how any rainy day fund could be used: some state expenses - unemployment compensation and health care, for instance - go up during a recession, and Oregon could respond to those increases only by cutting other programs. In about 25 years, state government would be small enough to drown in a bathtub, just as Grover Norquist and Newt Gingrich have fantasized for twenty years. Ponder life in an Oregon unable to respond to rising health care costs, education, and the needs of a fast-growing number of retirees and seniors. Business groups, police officers, consumer advocates and both gubernatorial candidates have, and they all reject Measure 48.

(Continued from page 4) - Measures 46 and 47

of their own money on a statewide campaign or \$10,000 on a legislative or local campaign. Those last two restrictions hide the real danger. Measure 47 is carefully worded so that if any part of it is ruled unconstitutional, the rest remains in force.

A U.S. Supreme Court 1976 landmark ruling--Buckley v. Valeo--struck down federal limitations on candidates' own contributions and on independent expenditures by others as a violation of the U.S. Constitution's free speech guarantee. If Measures 46 and 47 pass, and the limitations on candidate and independent contributions are later overturned, the tight restrictions on individual and group contributions to candidates would remain, leaving wealthy individuals free to spend whatever they wished on "independent" advertising for or against any candidate. Also, wealthy candidates would still be allowed to spend as much of their own money as they pleased on their own campaigns.

Even one of the measure's original sponsors, Rep. Peter Buckley, is now urging a NO vote on Measure 47.

This one's a real ticking time bomb

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few hundred girls would be affected. But for some, a degree of autonomy and privacy is essential for getting needed medical care without falling further into crisis. Oregon voters should keep them in mind when voting on Measure 43.

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It once again spent thousands in Salem. "Sadly," said The Oregonian, "the House GOP leadership succumbed," so Morrisette rewrote the plan as a statutory change, which future legislatures can modify with changing times, instead of a constitutional amendment, forever untouchable

Calendar of Events

Oregon ARA Meeting Schedule:

- Thursday, October 26, 10 am, Membership Meeting, Westmoreland
- Tuesday, November 7, Election Day
- Friday, November 10, Veterans Day
- Thursday, November 16, 9 am, Board Meeting, Westmoreland
- *Thursday, November 16, 10 am, Membership Meeting, Westmoreland
- Thursday, November 23, Thanksgiving Day
- Thursday, December 14, 10 am, Board Meeting, NOLC
- Thursday, December 28, 11 am, Holiday Lunch, Steamers, 8303 NE Sandy Blvd, Portland
- Thursday, January 11, 10 am, Board Meeting, NOLC
- Monday, January 15, MLK Day
- Thursday, January 25, 10 am, Membership Meeting, Westmoreland



Oregon ARA Membership Application/Financial Contributor

- YES! I as an individual, I want to join the Oregon Alliance and help protect Social Security and Medicare for generations to come. Enclosed is \$10 for a one-year individual/couple membership. (Payable annually) New Renewal
- I am already a member (through my union or individual membership) and would like to become a Financial Contributor to the Oregon Alliance for Retired Americans by enclosing \$ _____ to help fund organization activities.

Please print:

Name: _____ Spouse: _____

Address: _____ City: _____ State: _____ Zip: _____

Phone: _____ Fax: _____ Email address: _____

Union Name & Number (if applicable): _____

Make your check or money order payable to **Oregon Alliance for Retired Americans** and mail with this form to: **Oregon Alliance for Retired Americans, 4125 NE 72nd, Portland, OR 97218-3616**

Have you paid Oregon Alliance dues? Check the date above your name on the address label. It shows the date the Oregon Alliance last received yearly dues from you.



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