

House Bill 2055

Ordered printed by the Speaker pursuant to House Rule 12.00A (5). Pre-session filed (at the request of Public Commission on the Oregon Legislature)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Requires chief petitioners of state initiative or referendum petitions to be registered to vote in Oregon.

Directs Secretary of State to determine and print in voters' pamphlet for each state initiative or referendum measure number of signatures obtained in each county, percentage of total number of signatures obtained that are obtained in each county and percentage of electors in each county who signed petition.

Directs Secretary of State to determine and print in voters' pamphlet for each state initiative or referendum measure names and addresses of five persons or political committees that made greatest amount of contributions in support of obtaining signatures on state initiative or referendum petition.

Directs Secretary of State to include in voters' pamphlet description of procedures for filing complaint involving alleged violation of laws governing initiative and referendum petitions and description of penalties applicable to violations.

A BILL FOR AN ACT

1
2 Relating to elections; creating new provisions; and amending ORS 250.045, 251.026 and 251.185.

3 **Be It Enacted by the People of the State of Oregon:**

4 **SECTION 1.** ORS 250.045 is amended to read:

5 250.045. (1) Before circulating a petition to initiate or refer a state measure under section 1,
6 Article IV, Oregon Constitution, the petitioner shall file with the Secretary of State a prospective
7 petition. **All chief petitioners of a petition to initiate or refer a state measure must be elec-**
8 **tors.** The prospective petition for a state measure to be initiated shall contain a statement of
9 sponsorship signed by at least 25 electors. The statement of sponsorship shall be attached to a full
10 and correct copy of the measure to be initiated. The signatures in the statement of sponsorship must
11 be accompanied by a certificate of the county clerk of each county in which the electors who signed
12 the statement reside, stating the number of signatures believed to be genuine. The Secretary of State
13 shall date and time stamp the prospective petition and specify the form on which the petition shall
14 be printed for circulation. The secretary shall approve or disapprove the form of any petition sig-
15 nature sheet within five business days after the signature sheet is submitted for review by the sec-
16 retary. The secretary shall retain the prospective petition.

17 (2) The chief [*petitioner*] **petitioners** may amend the proposed initiated measure filed with the
18 Secretary of State without filing another prospective petition, if:

19 (a) The Attorney General certifies to the Secretary of State that the proposed amendment will
20 not substantially change the substance of the measure; and

21 (b) The deadline for submitting written comments on the draft title has not passed.

22 (3) The cover of an initiative or referendum petition shall designate the name and residence
23 address of not more than three persons as chief petitioners and shall contain instructions for per-
24 sons obtaining signatures of electors on the petition. The instructions shall be adopted by the Sec-

NOTE: Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted. New sections are in **boldfaced** type.

1 retary of State by rule. The cover of a referendum petition shall contain the final measure summary
 2 described in ORS 250.065 (1). If a petition seeking a different ballot title is not filed with the Su-
 3 preme Court by the deadline for filing a petition under ORS 250.085, the cover of an initiative peti-
 4 tion shall contain the ballot title described in ORS 250.067 (2). However, if the Supreme Court has
 5 reviewed the ballot title, the cover of the initiative petition shall contain the title certified by the
 6 court.

7 (4) The chief petitioners shall include with the prospective petition a statement declaring
 8 whether one or more persons will be paid money or other valuable consideration for obtaining sig-
 9 natures of electors on the initiative or referendum petition. After the prospective petition is filed,
 10 the chief petitioners shall notify the filing officer not later than the 10th day after any of the chief
 11 petitioners first has knowledge or should have had knowledge that:

12 (a) Any person is being paid for obtaining signatures, when the statement included with the
 13 prospective petition declared that no such person would be paid.

14 (b) No person is being paid for obtaining signatures, when the statement included with the pro-
 15 spective petition declared that one or more such persons would be paid.

16 (5)(a) Each sheet of signatures on an initiative petition shall contain the caption of the ballot
 17 title. Each sheet of signatures on a referendum petition shall contain the subject expressed in the
 18 title of the Act to be referred.

19 (b) Each sheet of signatures on an initiative or referendum petition shall:

20 (A) Contain only the signatures of electors of one county; and

21 (B) If one or more persons will be paid for obtaining signatures of electors on the petition,
 22 contain a notice stating: "Some Circulators For This Petition Are Being Paid." The notice shall be
 23 in boldfaced type and shall be prominently displayed on the sheet.

24 (c) The Secretary of State by rule shall adopt a method of designation to distinguish signature
 25 sheets of referendum petitions containing the same subject reference and being circulated during the
 26 same period.

27 (6) The reverse side of the cover of an initiative or referendum petition shall be used for ob-
 28 taining signatures on an initiative or referendum petition.

29 (7) Not more than 20 signatures on the signature sheet of the initiative or referendum petition
 30 shall be counted. The circulator shall certify on each signature sheet of the initiative or referendum
 31 petition that the individuals signed the sheet in the presence of the circulator and that the
 32 circulator believes each individual is an elector.

33 (8) The person obtaining signatures on the petition shall carry at least one full and correct copy
 34 of the measure to be initiated or referred and shall allow any person to review a copy upon request
 35 of the person.

36 **SECTION 2. Section 3 of this 2007 Act is added to and made a part of ORS chapter 251.**

37 **SECTION 3. (1) For each state initiative or referendum measure, the Secretary of State**
 38 **shall determine:**

39 **(a) The number of signatures obtained on the petition in each county in this state;**

40 **(b) The percentage of the total number of signatures obtained on the petition that were**
 41 **obtained in each county in this state; and**

42 **(c) The percentage of the total number of electors in each county who signed the petition**
 43 **in that county.**

44 **(2) For each state initiative or referendum measure, the Secretary of State shall deter-**
 45 **mine the names and addresses of the five persons or political committees that made the**

1 **greatest amount of contributions in support of obtaining signatures on the state initiative**
 2 **or referendum petition. For purposes of this subsection, the accounting period for making**
 3 **the determination begins on the date the name of a treasurer for the petition is certified**
 4 **under ORS 260.118 and ends on deadline for filing the petition with the secretary for verifi-**
 5 **cation of signatures.**

6 **SECTION 4.** ORS 251.185 is amended to read:

7 251.185. (1) The Secretary of State shall have printed in the voters' pamphlet for a general
 8 election or any special election a copy of the title and text of each state measure to be submitted
 9 to the people at the election for which the pamphlet was prepared. Each measure shall be printed
 10 in the pamphlet with:

- 11 (a) The number and ballot title of the measure;
- 12 (b) The financial estimates and any statement prepared for the measure under ORS 250.125;
- 13 (c) The explanatory statement prepared for the measure; *[and]*
- 14 (d) Arguments relating to the measure and filed with the Secretary of State; **and**
- 15 **(e) If applicable, the information described in section 3 of this 2007 Act.**

16 (2) A county measure or measure of a metropolitan service district organized under ORS chapter
 17 268, and ballot title, explanatory statement and arguments relating to the measure, filed by the
 18 county or metropolitan service district under ORS 251.285 shall be included in the voters' pamphlet
 19 described in subsection (1) of this section if required under ORS 251.067.

20 **SECTION 5.** ORS 251.026 is amended to read:

21 251.026. (1) The Secretary of State shall prepare and have printed in the voters' pamphlet for
 22 the state primary election, the general election and any special election described in ORS 251.022
 23 a statement containing, if applicable:

- 24 (a) Requirements for a citizen to qualify as an elector.
- 25 (b) When an elector is required to register or update a registration.
- 26 (c) In the voters' pamphlet for the primary election, a statement of the duties and responsibil-
 27 ities of a precinct committeeperson to be elected at the primary election.
- 28 **(d) A description of the procedures for filing a complaint alleging a violation of any pro-**
 29 **vision of law governing the initiative and referendum petition process.**

30 **(e) A description of penalties applicable to violations of laws governing the initiative and**
 31 **referendum petition process.**

32 *[(d)]* (f) Any other information the Secretary of State considers relevant to the conduct of the
 33 election.

34 (2) The Secretary of State shall include a statement on the cover of the voters' pamphlet that
 35 the pamphlet may be used to assist electors in voting.

36 (3) The Secretary of State may include in the voters' pamphlet the following information:

- 37 (a) Maps showing the boundaries of senatorial and representative districts.
- 38 (b) Voter registration forms.
- 39 (c) Elector instructions, including the right of an elector to request a second ballot if the first
 40 ballot is spoiled and the right of an elector to seek assistance in marking the ballot.

41 **SECTION 6.** (1) **The amendments to ORS 250.045 by section 1 of this 2007 Act do not apply**
 42 **to a state initiative or referendum petition that, if filed with the required number of signa-**
 43 **tures of electors, will be submitted to the people at an election held prior to or on the first**
 44 **Tuesday after the first Monday in November 2008.**

45 **(2) The amendments to ORS 250.045 by section 1 of this 2007 Act apply to a state initiative**

1 or referendum petition for which a prospective petition is filed on or after the effective date
2 of this 2007 Act and that, if filed with the required number of signatures of electors, will be
3 submitted to the people at an election held after the first Tuesday after the first Monday in
4 November 2008.

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