

A-Engrossed
House Bill 2082

Ordered by the House April 11
Including House Amendments dated April 11

Ordered printed by the Speaker pursuant to House Rule 12.00A (5). Pre-session filed (at the request of Secretary of State Bill Bradbury)

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.

[Prohibits person other than person signing signature sheet from writing, altering or obscuring information about person signing signature sheet of initiative, referendum, recall or nominating petition or certificate of nomination. Creates exception for person with disability.]

Requires persons being paid to obtain signatures on state initiative, referendum or recall petition to register with Secretary of State and complete training program.

Directs Secretary of State to prepare official templates of cover and signature sheets for each state initiative, referendum or recall petition. Requires persons obtaining signatures on state initiative, referendum or recall petition to use cover and signature sheets contained in official templates prepared for petition. Allows chief petitioners to apply for modifications of official templates.

[Prohibits persons other than persons authorized by chief petitioner from obtaining signatures on particular state initiative, referendum or recall petition.]

Requires chief petitioner of initiative or referendum who pays persons to obtain signatures to keep detailed accounts for review by Secretary of State, Attorney General and Commissioner of Bureau of Labor and Industries.

Increases number of signatures required to sponsor prospective petition for state measure to be initiated. Modifies provisions relating to verification of signatures.

Requires treasurers appointed by chief petitioners of any initiative, referendum or recall petition to file electronic statement of contributions and expenditures with Secretary of State. Modifies schedule for filing of statements.

Requires circulator of petition to witness signing of signature sheets.
Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to election petitions; creating new provisions; amending ORS 198.430, 198.750, 221.031,
3 248.008, 249.061, 249.740, 249.865, 250.045, 250.065, 250.067, 250.105, 250.165, 250.265, 255.135,
4 260.005, 260.045, 260.057, 260.118, 260.215, 260.255, 260.402, 261.115 and 545.025; and declaring an
5 emergency.

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

7 **SECTION 1. Sections 2 and 3 of this 2007 Act are added to and made a part of ORS**
8 **chapter 250.**

9 **SECTION 2. (1) A person may not pay money or other valuable consideration to another**
10 **person for obtaining signatures of electors on a state initiative, referendum or recall peti-**
11 **tion, and a person may not receive money or other valuable consideration for obtaining sig-**
12 **natures of electors on a state initiative, referendum or recall petition, unless the person**
13 **obtaining the signatures:**

14 (a) **Registers with the Secretary of State in the manner prescribed by this section and**
15 **by rule of the secretary; and**

16 (b) **Completes the training program prescribed by rule of the secretary.**

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 **(2) A person may apply to the secretary for a registration required under subsection (1)**
2 **of this section. The application shall include:**

3 **(a) The full name and any assumed name of the applicant;**

4 **(b) The residential street address of the applicant;**

5 **(c) An example of the signature of the applicant;**

6 **(d) A list of the initiative, referendum and recall petitions on which the applicant will**
7 **gather signatures;**

8 **(e) If the applicant has been convicted for a criminal offense involving fraud, forgery or**
9 **identification theft, information relating to the circumstances of the conviction as required**
10 **by the secretary;**

11 **(f) A statement signed by the applicant acknowledging that the applicant has read and**
12 **understands Oregon law applicable to the gathering of signatures on state initiative, refer-**
13 **endum and recall petitions;**

14 **(g) Evidence indicating that the applicant has completed the training required by the**
15 **secretary by rule;**

16 **(h) A photograph of the applicant; and**

17 **(i) A statement signed by a chief petitioner of each petition upon which the applicant will**
18 **gather signatures acknowledging that the chief petitioner is liable for violations of law or**
19 **rule committed by the person obtaining signatures as provided in ORS 260.561.**

20 **(3) If an applicant complies with subsection (2) of this section, not later than two busi-**
21 **ness days after the applicant applies, the secretary shall register the applicant and assign**
22 **the applicant a registration number.**

23 **(4) A person who has been convicted for a criminal offense involving fraud, forgery or**
24 **identification theft in any state during the five-year period prior to the date of the applica-**
25 **tion may not apply for registration under this section.**

26 **(5) If a person receives money or other valuable consideration for obtaining signatures**
27 **of electors on a state initiative, referendum or recall petition and the person was not regis-**
28 **tered as required under this section at the time the signatures were obtained, the secretary**
29 **may not count the signatures under ORS 250.105 or ORS chapter 249 for purposes of deter-**
30 **mining whether the petition contains the required number of signatures of electors.**

31 **(6) A person registered under this section shall carry evidence of registration with the**
32 **person while the person is obtaining signatures on a state initiative, referendum or recall**
33 **petition. The evidence of registration shall contain the photograph and registration number**
34 **of the person. The secretary by rule shall designate the form of the evidence of registration.**

35 **(7) A photograph of an applicant submitted under subsection (2) of this section shall:**

36 **(a) Be a conventional photograph with a plain background;**

37 **(b) Show the face or the face, neck and shoulders of the applicant; and**

38 **(c) Be prepared and processed for printing as prescribed by the secretary.**

39 **(8) The secretary shall adopt rules necessary to implement this section, including rules:**

40 **(a) Establishing procedures for registering persons who may be paid money or other**
41 **valuable consideration for obtaining signatures of electors on state initiative, referendum or**
42 **recall petitions; and**

43 **(b) Establishing a training program for persons who may be paid money or other valuable**
44 **consideration for obtaining signatures of electors on state initiative, referendum or recall**
45 **petitions.**

1 **SECTION 3.** (1) For each state initiative, referendum or recall petition, the Secretary of
2 State shall prepare official templates of the cover and signature sheets for the petition.
3 Except as provided in this section, templates of cover and signature sheets for state initi-
4 ative and referendum petitions are subject to the requirements of ORS 250.045. The tem-
5 plates of signature sheets to be used by persons who are being paid to obtain signatures on
6 the petition shall be a different color from the sheets to be used by persons who are not
7 being paid to obtain signatures on the petition.

8 (2) A person obtaining signatures on a state initiative, referendum or recall petition may
9 use only the cover and signature sheets contained in the official templates prepared for the
10 petition. A person who is being paid to obtain signatures on the petition shall use the sig-
11 nature sheet template designated for use by persons being paid to obtain signatures. A per-
12 son who is not being paid to obtain signatures on the petition shall use the signature sheet
13 template designated for use by persons who are not being paid to obtain signatures.

14 (3) The secretary shall issue templates for a petition only to a chief petitioner of the
15 petition or to an agent designated by a chief petitioner.

16 (4) The secretary shall issue official templates to a chief petitioner or designated agent
17 not later than:

18 (a) Three business days after the deadline for filing a petition under ORS 250.085 relating
19 to a ballot title certified by the Attorney General for the state initiative petition or, if a pe-
20 tition is filed with the Supreme Court under ORS 250.085, three business days after the Su-
21 preme Court certifies to the Secretary of State a ballot title for the state initiative petition;
22 or

23 (b) Three business days after a prospective petition is filed under ORS 249.865 or 250.045
24 for a state recall petition or state referendum petition.

25 (5) Not later than five business days after the deadline for the secretary to issue tem-
26 plates under subsection (4) of this section, a chief petitioner of a state initiative, referendum
27 or recall petition may submit to the secretary a written request for modification of the
28 templates. The secretary shall approve or disapprove the request not later than five business
29 days after receiving the request. If the secretary disapproves the request, the secretary shall
30 advise the chief petitioner in writing of the reasons for the disapproval.

31 (6) In addition to the templates prepared under subsections (1) to (5) of this section, for
32 each state initiative, referendum or recall petition, the secretary shall prepare an official
33 electronic template of a signature sheet for the petition. A template prepared under this
34 subsection shall allow space for the signature of one elector. An elector may print a copy
35 of the electronic signature sheet for a petition, sign the sheet and deliver the signed sheet
36 to a chief petitioner or an agent designated by a chief petitioner. Electronic templates de-
37 scribed in this subsection are subject to the requirements of ORS 250.045, other than ORS
38 250.045 (9).

39 (7) The secretary shall adopt rules prescribing the contents and method of production
40 of official templates required under this section.

41 **SECTION 4.** Sections 5 to 7 of this 2007 Act are added to and made a part of ORS chapter
42 260.

43 **SECTION 5.** (1) As used in this section, “accounts” means:

44 (a) Any contract entered into by a chief petitioner of an initiative or referendum petition
45 and any person for purposes of obtaining signatures on the petition;

1 (b) Any employment manual or training materials provided to persons who obtain signa-
2 tures on the petition;

3 (c) Payroll records for each employee obtaining signatures on the petition showing hours
4 worked, number of signatures collected and amounts paid;

5 (d) Records identifying the amount and purpose of each payment made by the chief
6 petitioner or any contractor, as defined in section 7 of this 2007 Act, to any subcontractor,
7 as defined in section 7 of this 2007 Act, obtaining signatures on the petition; and

8 (e) Copies of signature sheets circulated by persons who are being paid to obtain signa-
9 tures on the petition.

10 (2) For purposes of enforcing section 1b, Article IV of the Oregon Constitution, a chief
11 petitioner of an initiative or referendum petition who pays any person money or other valu-
12 able consideration to obtain signatures on the petition shall keep detailed accounts. The ac-
13 counts shall be current as of not later than the seventh calendar day after the date a
14 payment is made to a person for obtaining signatures on the petition.

15 (3) The Secretary of State shall review the accounts of each chief petitioner described in
16 subsection (2) of this section in the manner and according to a regular schedule adopted by
17 the secretary by rule.

18 (4) In addition to the review conducted under subsection (3) of this section, the secretary,
19 Attorney General or Commissioner of the Bureau of Labor and Industries may inspect the
20 accounts of a chief petitioner described in subsection (2) of this section under reasonable
21 circumstances at any time before the deadline for filing signatures on the petition or during
22 the period specified for retention of the accounts under subsection (5) of this section. The
23 right of inspection may be enforced by writ of mandamus issued by any court of competent
24 jurisdiction.

25 (5) A chief petitioner must preserve the accounts pertaining to an initiative or referen-
26 dum petition for at least two years after the deadline for filing the petition for verification
27 of signatures or at least two years after the date the last statement is filed under ORS
28 260.118, whichever is later.

29 (6) If a chief petitioner does not produce accounts under subsection (3) or (4) of this
30 section:

31 (a) There is a rebuttable presumption that a violation of section 1b, Article IV of the
32 Oregon Constitution, has occurred; and

33 (b) The chief petitioner may not obtain additional signatures on the petition until the
34 chief petitioner is able to supply the accounts to the secretary, Attorney General or com-
35 missioner.

36 (7) Accounts are not subject to disclosure under ORS 192.410 to 192.505.

37 **SECTION 6.** For the purpose of investigating violations of section 1b, Article IV of the
38 Oregon Constitution, the Secretary of State, Attorney General and Commissioner of the
39 Bureau of Labor and Industries may cooperate and share information as considered neces-
40 sary by the secretary, Attorney General or commissioner.

41 **SECTION 7.** (1) As used in this section:

42 (a) "Contractor" means a person who contracts on predetermined terms with a chief
43 petitioner, or a person acting on behalf of a chief petitioner, of an initiative or referendum
44 petition for the purpose of obtaining signatures on the petition.

45 (b) "Subcontractor" means a person who contracts on predetermined terms with a con-

1 **tractor for the purpose of obtaining signatures on an initiative or referendum petition and**
2 **who has no direct contractual relationship with a chief petitioner or other person acting on**
3 **behalf of a chief petitioner.**

4 (2) **If a contractor has knowledge of an unreported violation of section 1b, Article IV of**
5 **the Oregon Constitution, by a subcontractor, the violation by the subcontractor is conclu-**
6 **sively considered a violation by the contractor.**

7 (3) **A contractor is not liable under subsection (2) of this section if the contractor notifies**
8 **the Secretary of State in writing not later than one business day after the contractor obtains**
9 **knowledge of an unreported potential violation. The notice shall state:**

10 (a) **That a potential violation has occurred;**

11 (b) **The nature of the potential violation; and**

12 (c) **All specific information known to the contractor regarding the potential violation.**

13 (4) **This section does not apply to a violation of law that is subject to criminal penalty.**

14 **SECTION 8.** ORS 250.045 is amended to read:

15 250.045. (1) Before circulating a petition to initiate or refer a state measure under section 1,
16 Article IV, Oregon Constitution, the petitioner shall file with the Secretary of State a prospective
17 petition. The prospective petition for a state measure to be initiated shall contain a statement of
18 sponsorship signed by at least [25] **1,000** electors. The statement of sponsorship shall be attached to
19 a full and correct copy of the measure to be initiated.

20 (2) *[The signatures in the statement of sponsorship must be accompanied by a certificate of the*
21 *county clerk of each county in which the electors who signed the statement reside, stating the number*
22 *of signatures believed to be genuine.]* **The secretary by rule shall establish procedures for veri-**
23 **fyng whether the statement of sponsorship contains the required number of signatures of**
24 **electors.**

25 (3) The secretary [*of State*] shall date and time stamp the prospective petition and specify the
26 form on which the **initiative or referendum** petition shall be printed for circulation **as provided**
27 **in section 3 of this 2007 Act.** [*The secretary shall approve or disapprove the form of any petition*
28 *signature sheet within five business days after the signature sheet is submitted for review by the sec-*
29 *retary.] The secretary shall retain the prospective petition.*

30 [(2)] (4) The chief petitioner may amend the [*proposed initiated measure*] **state measure to be**
31 **initiated that has been** filed with the secretary [*of State*] without filing another prospective peti-
32 tion, if:

33 (a) The Attorney General certifies to the secretary [*of State*] that the proposed amendment will
34 not substantially change the substance of the measure; and

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

36 [(3)] (5) The cover of an initiative or referendum petition shall designate the name and residence
37 address of not more than three persons as chief petitioners and shall contain instructions for per-
38 sons obtaining signatures of electors on the petition. The instructions shall be adopted by the sec-
39 retary [*of State*] by rule. The cover of a referendum petition shall contain the final measure
40 summary described in ORS 250.065 (1). If a petition seeking a different ballot title is not filed with
41 the Supreme Court by the deadline for filing a petition under ORS 250.085, the cover of an initiative
42 petition shall contain the ballot title described in ORS 250.067 (2). However, if the Supreme Court
43 has reviewed the ballot title, the cover of the initiative petition shall contain the title certified by
44 the court.

45 [(4)] (6) The chief petitioners shall include with the prospective petition a statement declaring

1 whether one or more persons will be paid money or other valuable consideration for obtaining sig-
2 natures of electors on the initiative or referendum petition. After the prospective petition is filed,
3 the chief petitioners shall notify the filing officer not later than the 10th day after any of the chief
4 petitioners first has knowledge or should have had knowledge that:

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

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

9 [(5)(a)] **(7)(a)** Each sheet of signatures on an initiative petition shall contain the caption of the
10 ballot title. Each sheet of signatures on a referendum petition shall contain the subject expressed
11 in the title of the Act to be referred.

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

13 (A) Contain [*only the signatures of electors of one county*] **a notice describing the meaning of**
14 **the color of the signature sheet in accordance with section 3 of this 2007 Act;** and

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

18 (c) The secretary [*of State*] by rule shall adopt a method of designation to distinguish signature
19 sheets of referendum petitions containing the same subject reference and being circulated during the
20 same period.

21 [(6)] **(8)** The reverse side of the cover of an initiative or referendum petition shall be used for
22 obtaining signatures on [*an*] **the** initiative or referendum petition.

23 [(7)] **(9)** Not more than 20 signatures on the signature sheet of the initiative or referendum pe-
24 tition [*shall*] **may** be counted. The circulator shall certify on each signature sheet of the initiative
25 or referendum petition that [*the individuals signed the sheet in the presence of the circulator and that*
26 *the circulator believes each individual is an elector*] **the circulator:**

27 **(a) Witnessed the signing of the signature sheet by each individual whose signature ap-**
28 **pears on the signature sheet; and**

29 **(b) Believes each individual is an elector.**

30 [(8)] **(10)** The person obtaining signatures on the petition shall carry at least one full and correct
31 copy of the measure to be initiated or referred and shall allow any person to review a copy upon
32 request of the person.

33 **SECTION 9.** ORS 250.065 is amended to read:

34 250.065. (1) When a prospective petition for a state measure to be referred is filed with the
35 Secretary of State, the secretary shall authorize the circulation of the petition using the final
36 measure summary of the latest version of the printed, engrossed measure in lieu of the ballot title.
37 **On the next business day** after the referendum petition has been filed containing the required
38 number of verified signatures, the Secretary of State [*immediately*] shall send two copies of the
39 prospective petition to the Attorney General.

40 (2) When an approved prospective petition for a state measure to be initiated is filed with the
41 Secretary of State, the secretary immediately shall send two copies of it to the Attorney General.

42 (3) Not later than the fifth business day after receiving the copies of the prospective petition for
43 a state measure to be initiated, the Attorney General shall provide a draft ballot title for the state
44 measure to be initiated and return one copy of the prospective petition and the ballot title to the
45 Secretary of State.

1 (4) Not later than the 10th business day after receiving the copies of the prospective petition for
 2 a state measure to be referred, the Attorney General shall provide a draft ballot title for the state
 3 measure to be referred and return one copy of the prospective petition and the draft ballot title to
 4 the Secretary of State.

5 **SECTION 10.** ORS 250.067 is amended to read:

6 250.067. (1) The Secretary of State, upon receiving a draft ballot title from the Attorney General
 7 under ORS 250.065 or 250.075, shall provide reasonable statewide notice of having received the draft
 8 ballot title and of the public's right to submit written comments as provided in this section. Written
 9 comments concerning a draft ballot title *[shall]* **may** be submitted to the Secretary of State not later
 10 than the 10th business day after the Secretary of State receives the draft title from the Attorney
 11 General. On the next business day after the deadline for submitting comments to the Secretary of
 12 State, the secretary shall send a copy of all written comments to the Attorney General. The secre-
 13 tary shall maintain a record of written comments received.

14 (2) The Attorney General shall consider any written comments submitted under subsection (1)
 15 of this section and shall certify to the Secretary of State either the draft ballot title or a revised
 16 ballot title not later than the 10th business day after receiving the comments from the Secretary
 17 of State. If no written comments are submitted to the Secretary of State, the Attorney General shall
 18 certify the draft ballot title not later than the 20th business day after the Secretary of State receives
 19 the draft title from the Attorney General. The Secretary of State shall furnish the chief petitioner
 20 with a copy of the ballot title.

21 (3) Unless the Supreme Court certifies a different ballot title, the ballot title provided by the
 22 Attorney General under subsection (2) of this section shall be the title printed in the voters' pam-
 23 phlet and on the ballot.

24 (4) If a petition *[for review of a ballot title]* is filed with the Supreme Court as provided in ORS
 25 250.085, the Secretary of State shall file with the Supreme Court a copy of the written comments
 26 received as part of the record on review of the ballot title.

27 (5) The Secretary of State by rule shall specify the means for providing reasonable statewide
 28 notice for submitting comments on a draft ballot title.

29 **SECTION 11.** ORS 250.105 is amended to read:

30 250.105. (1)(a) An initiative or referendum petition relating to a state measure *[shall]* **must** be
 31 filed with the Secretary of State for the purpose of verifying whether the petition contains the re-
 32 quired number of signatures of electors.

33 **(b) Signatures on a prospective petition for a state measure to be initiated shall be con-**
 34 **sidered under this section for the purpose of verifying whether the initiative petition con-**
 35 **tains the required number of signatures of electors.**

36 **(c) When filing an initiative or referendum petition, the chief petitioner shall sort the**
 37 **signature sheets on the basis of the name of the person who obtained the signatures on the**
 38 **sheet.**

39 **(d) The secretary shall adopt rules establishing procedures for verifying signatures on**
 40 **an initiative or referendum petition.**

41 **(e) The filed initiative or referendum petition [shall] must** contain only original signatures.
 42 **The secretary or county clerk shall verify** each petition *[shall be verified]* in the order in which
 43 the petitions are filed with the secretary.

44 (2) **The secretary may not accept** an initiative or referendum petition relating to a state
 45 measure *[shall not be accepted]* for filing if *[it]* **the petition** contains less than 100 percent of the

1 required number of signatures.

2 (3) If an initiative or referendum petition is submitted not less than 165 days before the election
3 at which the proposed measure is to be voted upon and if the secretary [of State] determines that
4 insufficient signatures have been submitted but the deadline for filing the petition has not passed,
5 the petitioners may submit additional signatures.

6 (4) The secretary [of State] by rule shall designate a statistical sampling technique to verify
7 whether a petition contains the required number of signatures of electors. A petition [shall] **may**
8 not be rejected for the reason that it contains less than the required number of signatures unless
9 two separate sampling processes both establish that the petition lacks the required number of sig-
10 natures. The second sampling must contain a larger number of signatures than the first sampling.
11 If two samplings are required under this subsection, the total number of signatures verified on the
12 petition shall be not less than five percent of the total number of signatures on the petition.

13 (5) For purposes of estimating the number of duplicate signatures contained in a petition, the
14 secretary [of State] shall apply at least an eight percent duplication rate in the first sampling of
15 signatures on all petitions. If a second sampling of signatures is required under subsection (4) of this
16 section, the secretary shall calculate an estimated signature duplication rate for each petition for
17 which a second sampling is required. *[For purposes of calculating an estimated signature duplication*
18 *rate for each petition for which a second sampling is required, the county clerks shall report to the*
19 *secretary]* **The calculation shall be based on** the number of electors *[determined to]* **the secretary**
20 **determines** have signed a specific petition more than once.

21 (6) When verifying signatures for a state initiative or referendum petition, the **secretary or**
22 county clerk shall identify on an elector's voter registration record or other database that the
23 elector signed the specific initiative or referendum petition.

24 (7) The Secretary of State may employ professional assistance to determine the sampling tech-
25 nique to be designated under subsection (4) of this section.

26 **SECTION 12.** ORS 260.057 is amended to read:

27 260.057. (1) The Secretary of State by rule shall adopt an electronic filing system to be used
28 by:

29 (a) All candidates and political committees to file with the secretary statements of contributions
30 received and expenditures made by the candidates and political committees, as described in ORS
31 260.083; **and**

32 (b) **Treasurers appointed by the chief petitioners of initiative, referendum or recall pe-**
33 **titions under ORS 260.118 to file with the secretary statements of contributions received and**
34 **expenditures made by the treasurers and chief petitioners.**

35 (2)(a) A candidate for nomination or election at any primary or general election or a political
36 committee supporting or opposing a candidate or measure at any primary or general election shall
37 file a statement described in subsection (1) of this section not later than seven calendar days after
38 a contribution is received or an expenditure is made. This paragraph applies to contributions re-
39 ceived and expenditures made during the period beginning on the 42nd calendar day before the date
40 of any primary election and ending on the date of the primary election and the period beginning on
41 the 42nd calendar day before the date of any general election and ending on the date of the general
42 election.

43 (b) For any special election, the secretary by rule may establish a period during which a can-
44 didate for nomination or election at the special election or a political committee supporting or op-
45 posing a candidate or measure at the special election must file a statement described in subsection

1 (1) of this section not later than seven calendar days after a contribution is received or an expend-
2 iture is made.

3 (3) Except as provided in subsection (4) of this section, during a period not described in sub-
4 section (2) of this section, a candidate or political committee shall file a statement described in
5 subsection (1) of this section not later than 30 calendar days after a contribution is received or an
6 expenditure is made.

7 (4)(a) If a candidate for nomination or election at any primary election or a political committee
8 supporting or opposing a candidate or measure at any primary election receives a contribution or
9 makes an expenditure prior to the 42nd calendar day before the date of the primary election and the
10 candidate or political committee has not filed a statement of the contribution or expenditure under
11 subsection (3) of this section by the 43rd calendar day before the date of the primary election, the
12 candidate or political committee shall file a statement described in subsection (1) of this section not
13 later than the 35th calendar day before the date of the primary election.

14 (b) If a candidate for nomination or election at any general election or a political committee
15 supporting or opposing a candidate or measure at any general election receives a contribution or
16 makes an expenditure prior to the 42nd calendar day before the date of the general election and the
17 candidate or political committee has not filed a statement of the contribution or expenditure under
18 subsection (3) of this section by the 43rd calendar day before the date of the general election, the
19 candidate or political committee shall file a statement described in subsection (1) of this section not
20 later than the 35th calendar day before the date of the general election.

21 (5) The electronic filing system shall be provided free of charge by the secretary and:

22 (a) Accept electronic files that conform to the format prescribed by the secretary by rule; or

23 (b) Be compatible with any other electronic filing application provided or approved by the sec-
24 retary.

25 (6)(a) **Except as provided in paragraph (b) of this subsection**, the secretary shall make all
26 data filed electronically under this section and all information filed with the secretary under ORS
27 260.044, 260.045, 260.049, 260.085, 260.102 or 260.118 available on the Internet to the public free of
28 charge according to a schedule adopted by the secretary by rule. The secretary shall make the data
29 available in a searchable database that is easily accessible by the public.

30 **(b) The secretary may not make data that are filed electronically under this section or**
31 **ORS 260.118 available to the public under this section, unless the data are required to be**
32 **listed under ORS 260.083. The secretary may not disclose under ORS 192.410 to 192.505 any**
33 **data that are filed electronically under this section or ORS 260.118, unless the data are re-**
34 **quired to be listed under ORS 260.083.**

35 (7) Each statement required by this section shall be signed and certified as true by the candidate
36 or treasurer required to file it. Signatures shall be supplied in the manner specified by the secretary
37 by rule.

38 (8) Subsections (1) to (7) of this section do not apply to:

39 (a) Candidates for federal office;

40 (b) Candidates who are not required to file a statement of organization under ORS 260.043; or

41 (c) Candidates or political committees who file certificates under ORS 260.112.

42 **SECTION 13.** ORS 260.118, as amended by section 37, chapter 809, Oregon Laws 2005, is
43 amended to read:

44 260.118. (1) *[As provided in subsection (2) of this section, The chief petitioners of a statewide ini-*
45 *tiative or referendum petition or any recall petition shall:]*

1 *[(a) appoint a treasurer and certify the name and address of the treasurer to the filing officer.]* **The**
 2 **chief petitioners of an initiative, referendum or recall petition shall appoint a treasurer.** The
 3 treasurer shall be an elector of this state. Contributions shall be received and expenditures made
 4 by or through the treasurer.

5 *[(b)]* **(2) The treasurer shall** file a statement of organization with the appropriate filing officer.
 6 **The treasurer shall file the statement not later than the third business day after the chief**
 7 **petitioners receive a contribution or make an expenditure relating to the initiative, referen-**
 8 **dum or recall petition.** The statement shall include:

9 *[(A)]* **(a)** The name and address of the chief petitioners.

10 *[(B)]* **(b)** The name and address of the treasurer appointed under *[paragraph (a) of this]* sub-
 11 section **(1) of this section.**

12 *[(C)]* **(c)** A designation of the *[statewide]* initiative, *[or]* referendum *[petition]* or *[the]* recall peti-
 13 tion. The designation of the recall petition shall include the name of the officer whose recall is de-
 14 manded.

15 *[(2) The chief petitioners shall certify the name of the treasurer and file the statement of organ-*
 16 *ization not later than the third business day after the chief petitioners receive a contribution or make*
 17 *an expenditure relating to the statewide initiative or referendum petition.]*

18 *(3) [Any]* **If there is a** change in the information submitted in a statement of organization under
 19 subsection *[(1)]* **(2)** of this section, **the treasurer** shall *[be indicated in]* **file** an amended *[certification*
 20 *or an amended]* statement of organization *[filed]* not later than the 10th day after the change in in-
 21 formation.

22 *[(4) For each statewide initiative petition, the treasurer appointed under subsection (1) of this sec-*
 23 *tion shall file with the Secretary of State a statement described in subsection (7) of this section for each*
 24 *period described in this subsection. A statement shall be filed under this subsection beginning with the*
 25 *period during which the aggregate amount of contributions received or expenditures made exceeds*
 26 *\$2,000. The following statements shall be filed:]*

27 *[(a) A statement of contributions received and expenditures made filed not later than September 10*
 28 *of an odd-numbered year. The accounting period for the statement required under this paragraph be-*
 29 *gins on the date the treasurer is appointed under subsection (1) of this section and ends on September*
 30 *1.]*

31 *[(b) A statement of contributions received and expenditures made filed not later than February 6*
 32 *of an even-numbered year. The accounting period for the statement required under this paragraph be-*
 33 *gins on the date the treasurer is appointed under subsection (1) of this section or on the day following*
 34 *the last day of the accounting period for the previous statement filed and ends on January 28.]*

35 *[(c) A statement of contributions received and expenditures made filed not later than the 12th day*
 36 *before the date of the primary election. The accounting period for the statement required under this*
 37 *paragraph begins on the date the treasurer is appointed under subsection (1) of this section or on the*
 38 *day following the last day of the accounting period for the previous statement filed and ends on the*
 39 *16th day before the date of the primary election.]*

40 *[(5) Not later than the 15th day after the last day for filing a statewide initiative or referendum*
 41 *petition or any recall petition with the filing officer for verification of signatures, the treasurer ap-*
 42 *pointed under subsection (1) of this section shall file with the filing officer a statement described in*
 43 *subsection (7) of this section. The statement required under this subsection shall be filed whether or*
 44 *not the petition was completed or filed or was withdrawn under ORS 250.029.]*

45 **(4) The treasurer of an initiative, referendum or recall petition shall use the electronic**

1 filing system adopted under ORS 260.057 to file with the Secretary of State statements of
2 contributions received and expenditures made by the treasurer, as described in ORS 260.083.

3 (5) The treasurer of an initiative petition shall file a statement described in subsection
4 (4) of this section not later than seven calendar days after a contribution is received or an
5 expenditure is made. This subsection applies to contributions received and expenditures
6 made:

7 (a) During the period beginning on the 42nd calendar day before the date that is four
8 months before a general election and ending on the date that is four months before a general
9 election; and

10 (b) During the period beginning on the 42nd calendar day before the date of any primary
11 election and ending on the date of the primary election and the period beginning on the 42nd
12 calendar day before the date of any general election and ending on the date of the general
13 election.

14 (6) The treasurer of a referendum petition or a recall petition shall file a statement de-
15 scribed in subsection (4) of this section not later than seven calendar days after a contribu-
16 tion is received or an expenditure is made. This subsection applies:

17 (a) For a referendum petition, to contributions received and expenditures made during
18 the period beginning on the date the treasurer is appointed under subsection (1) of this sec-
19 tion and ending on the deadline for submitting signatures for verification; and

20 (b) For a recall petition, to contributions received and expenditures made during the pe-
21 riod beginning on the day after the date on which the statement of contributions received
22 and expenditures made that is required under ORS 249.865 is filed and ending on the deadline
23 for submitting signatures for verification.

24 (7) Except as provided in subsection (8) of this section, during a period not described in
25 subsection (5) or (6) of this section, a treasurer of an initiative, referendum or recall petition
26 shall file a statement described in subsection (4) of this section not later than 30 calendar
27 days after a contribution is received or an expenditure is made.

28 (8) If a treasurer of an initiative petition receives a contribution or makes an expenditure
29 prior to the 42nd calendar day before the date that is four months before a general election,
30 or the 42nd day before the date of the primary election or general election, and the treasurer
31 has not filed a statement of the contribution or expenditure under subsection (4) of this
32 section by the 43rd calendar day before the date that is four months before a general
33 election, or the 43rd day before the date of the primary election or general election, the
34 treasurer shall file a statement described in subsection (4) of this section not later than the
35 35th calendar day before the date that is four months before a general election, or the 35th
36 day before the date of the primary election or general election.

37 (9) For an initiative petition, the accounting period for the first statement filed under
38 this section begins on the date the treasurer is appointed under subsection (1) of this section.

39 [(6) Not later than the 15th day after the date an initiative or referendum petition that is not
40 statewide is filed with the filing officer for verification of signatures, the chief petitioners of the initi-
41 ative or referendum petition shall file with the filing officer a statement described in subsection (7) of
42 this section.]

43 [(7) The statement referred to in subsections (4) to (6) of this section shall include the following
44 information:]

45 [(a) The name and address of the chief petitioner.]

1 ***[(b) A designation of the initiative, referendum or recall petition. The designation of any recall***
2 ***petition shall include the name of the officer whose recall is demanded.]***

3 ***[(c) A statement conforming to ORS 260.083 of contributions received and expenditures made.]***

4 ***[(8)(a) For a statewide initiative petition, the accounting period for the statement required by sub-***
5 ***section (5) of this section begins on the 15th day before the date of the primary election and ends on***
6 ***the deadline for submitting signatures for verification.]***

7 ***[(b) For a statewide referendum petition, the accounting period for the statement required by sub-***
8 ***section (5) of this section begins on the date that the name of the treasurer is certified to the filing of-***
9 ***ficer under this section. The accounting period ends on the deadline for submitting signatures for***
10 ***verification.]***

11 ***[(c) For a recall petition, the accounting period for the statement required by subsection (5) of this***
12 ***section begins on the day after the date on which the statement of contributions received and expen-***
13 ***ditures made required under ORS 249.865 is filed. The accounting period ends on the deadline for***
14 ***submitting signatures for verification.]***

15 ***[(d) For an initiative or referendum petition that is not statewide, the accounting period for the***
16 ***statement required by subsection (6) of this section begins on the date the prospective petition is filed***
17 ***and ends on the date that signatures are submitted for verification.]***

18 ***[(9)(a) If a statement filed under subsection (5) of this section for a statewide initiative or referen-***
19 ***dum petition or any recall petition that did not qualify for the ballot shows an unexpended balance of***
20 ***contributions or an expenditure deficit, and the chief petitioner's committee does not intend to support***
21 ***or oppose a measure that is on the subsequent general election ballot, a supplemental statement shall***
22 ***be filed annually not later than September 10.]***

23 ***[(b) If a statement filed under this section for a statewide initiative or referendum petition or any***
24 ***recall petition that did not qualify for the ballot shows an unexpended balance of contributions or an***
25 ***expenditure deficit, and the chief petitioner's committee intends to support or oppose a measure that is***
26 ***on the subsequent general election ballot, the treasurer appointed under subsection (1) of this section***
27 ***need not file a supplemental statement in that year, but shall file the statements required under ORS***
28 ***260.057.]***

29 ***[(c) The accounting period for the supplemental statement required by this subsection begins on the***
30 ***day following the last day of the accounting period for the previous statement filed and ends on Sep-***
31 ***tember 1.]***

32 **(10) Each statement required under [subsections (4) to (6) of] this section shall be signed and**
33 **certified as true by [the] a chief petitioner or **by the** treasurer [required to file it]. **Signatures shall****
34 ****be supplied in the manner specified by the secretary by rule.****

35 **(11) As used in this section, “contribution” and “expenditure” include a contribution or ex-**
36 **penditure to or on behalf of an initiative, referendum or recall petition.**

37 **SECTION 14. ORS 260.045, as amended by section 29a, chapter 809, Oregon Laws 2005, is**
38 **amended to read:**

39 **260.045. (1) If a candidate or treasurer receives a contribution of more than \$100 from a political**
40 **committee not in this state, the candidate or treasurer shall file the following if required under**
41 **subsection (2) of this section:**

42 **(a) A written statement of the name, occupation and address of each person, or the name, ad-**
43 **dress and primary nature of each political committee, who contributed more than \$100 of the con-**
44 **tribution. The statement shall be certified as true by an officer of the contributing political**
45 **committee. As used in this paragraph, “address” includes street number and name, rural route**

1 number or post-office box, and city and state; or

2 (b) An affidavit that to the best of the candidate's or treasurer's knowledge and belief the con-
3 tributing political committee will not make contributions to candidates and treasurers in this state
4 that exceed two-thirds, in total amount, of all contributions made by it in this state and elsewhere
5 during the calendar year [or the period described in ORS 260.118 (4) or (8)] for which the statement
6 is filed. The affidavit shall be filed at the same time the statement is filed regarding the contribution.

7 (2) The statement or affidavit described in subsection (1) of this section shall be filed if:

8 (a) Requested by the Secretary of State; or

9 (b) The Secretary of State receives a request for the filing from any person made not later than
10 six months after the deadline for filing a statement under ORS 260.057 or 260.118 [(4) or (8)], if a
11 candidate or treasurer files a statement reporting a contribution received from a political committee
12 not in this state.

13 (3) If requested under subsection (2) of this section, the statement or affidavit described in sub-
14 section (1) of this section shall be filed not later than 10 business days after a candidate or treasurer
15 receives a request from the Secretary of State.

16 **SECTION 15.** ORS 260.215, as amended by section 39a, chapter 809, Oregon Laws 2005, is
17 amended to read:

18 260.215. (1) For statements filed during each calendar year, each filing officer shall examine each
19 statement filed with the filing officer under ORS 260.044 (1), 260.057, 260.083, 260.102, [or] 260.112
20 **or 260.118 (4)** to determine whether the statement is sufficient. The filing officer shall examine
21 statements under this section not later than 90 days after the end of each calendar quarter for
22 statements filed during the previous calendar quarter.

23 [(2) *Not later than the third month after the date a statement is filed under ORS 260.118, the filing*
24 *officer shall examine the statement to determine whether the statement is sufficient.*]

25 [(3)] (2) The filing officer [under subsections (1) and (2) of this section] may require any person
26 to answer in writing and upon oath or affirmation before a judge, justice of the peace, county clerk
27 or notary public any question within the knowledge of that person concerning the source of any
28 contribution. The filing officer shall advise the person of the penalty for failure to answer.

29 [(4)(a)] (3)(a) For statements filed during each calendar year, in addition to the requirements
30 of ORS 260.205 and this section, the Secretary of State shall review statements filed with the sec-
31 retary under ORS 260.057 by the principal campaign committees of all candidates for nomination or
32 election to state office. For each review, the secretary shall require a candidate or treasurer of a
33 political committee to provide documentation of not more than eight transactions.

34 (b) The secretary shall review statements under this subsection on a quarterly basis.

35 (c) As used in this subsection, "state office" does not include the office of judge or district at-
36 torney.

37 **SECTION 16.** ORS 250.165 is amended to read:

38 250.165. (1) Before circulating a petition to initiate or refer a county measure, the petitioner
39 shall file with the county clerk a prospective petition. The county clerk immediately shall date and
40 time stamp the prospective petition, and specify the form on which the petition shall be printed for
41 circulation. The clerk shall retain the prospective petition.

42 (2) The cover of an initiative or referendum petition shall designate the name and residence
43 address of not more than three persons as chief petitioners and shall contain instructions for per-
44 sons obtaining signatures of electors on the petition. The instructions shall be adopted by the Sec-
45 retary of State by rule. The cover of a referendum petition shall contain the title described in ORS

1 250.175 (1). If the circuit court has not reviewed the ballot title under ORS 250.195, the cover of an
2 initiative petition shall contain the ballot title described in ORS 250.175 (3). If the circuit court has
3 reviewed the ballot title, the cover of the initiative petition shall contain the title certified by the
4 court.

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

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

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

14 (4)(a) Each sheet of signatures on an initiative petition shall contain the caption of the ballot
15 title. Each sheet of signatures on a referendum petition shall contain the number of the ordinance
16 or resolution to be referred, if any, and the date it was adopted by the county governing body.

17 (b) Each sheet of signatures on an initiative or referendum petition shall, if one or more persons
18 will be paid for obtaining signatures of electors on the petition, contain a notice stating: "Some
19 Circulators For This Petition Are Being Paid."

20 (5) The reverse side of the cover of an initiative or referendum petition shall be used for ob-
21 taining signatures on an initiative or referendum petition.

22 (6) Not more than 20 signatures on the signature sheet of the initiative or referendum petition
23 shall be counted. The circulator shall certify on each signature sheet that *[the individuals signed the*
24 *sheet in the presence of the circulator and that the circulator believes each individual is an elector*
25 *registered in the county]* **the circulator:**

26 (a) **Witnessed the signing of the signature sheet by each individual whose signature ap-**
27 **pears on the signature sheet; and**

28 (b) **Believes each individual is an elector registered in the county.**

29 (7) If the gathering of signatures exceeds the period of one year from the time the petition is
30 approved for circulation, any of the chief petitioners, on or before each anniversary of approval of
31 the petition for circulation, shall file with the county clerk a statement that the initiative petition
32 is still active.

33 (8) Not later than 30 days before the date that the chief petitioners must file a statement under
34 subsection (7) of this section, the county clerk shall notify the chief petitioners in writing of the
35 requirements of subsection (7) of this section. The notice shall be sent by certified mail, return re-
36 ceipt requested.

37 (9) A county clerk may not accept for filing any petition which has not met the provisions of
38 subsection (7) of this section.

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

42 **SECTION 17.** ORS 250.265 is amended to read:

43 250.265. (1) Before circulating a petition to initiate or refer a city measure, the petitioner shall
44 file with the city elections officer a prospective petition. The officer immediately shall date and time
45 stamp the prospective petition, and specify the form on which the petition shall be printed for cir-

1 culation. The officer shall retain the prospective petition.

2 (2) The cover of an initiative or referendum petition shall designate the name and residence
3 address of not more than three persons as chief petitioners and shall contain instructions for per-
4 sons obtaining signatures of electors on the petition. The instructions shall be adopted by the Sec-
5 retary of State by rule. The cover of a referendum petition shall contain the title described in ORS
6 250.275 (1). If the circuit court has not reviewed the ballot title under ORS 250.296, the cover of an
7 initiative petition shall contain the ballot title described in ORS 250.275 (3). If the circuit court has
8 reviewed the ballot title, the cover of the initiative petition shall contain the title certified by the
9 court.

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

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

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

19 (4)(a) Each sheet of signatures on an initiative petition shall contain the caption of the ballot
20 title. Each sheet of signatures on a referendum petition shall contain the number of the ordinance
21 or resolution to be referred, if any, and the date it was adopted by the city governing body.

22 (b) Each sheet of signatures on an initiative or referendum petition shall, if one or more persons
23 will be paid for obtaining signatures of electors on the petition, contain a notice stating: "Some
24 Circulators For This Petition Are Being Paid."

25 (5) The reverse side of the cover of an initiative or referendum petition shall be used for ob-
26 taining signatures on an initiative or referendum petition.

27 (6) Not more than 20 signatures on the signature sheet of the initiative or referendum petition
28 shall be counted. The circulator shall certify on each signature sheet that *[the individuals signed the*
29 *sheet in the presence of the circulator and that the circulator believes each individual is an elector*
30 *registered in the city]* **the circulator:**

31 **(a) Witnessed the signing of the signature sheet by each individual whose signature ap-**
32 **pears on the signature sheet; and**

33 **(b) Believes each individual is an elector registered in the city.**

34 (7) If the gathering of signatures exceeds the period of one year from the time the petition is
35 approved for circulation, any of the chief petitioners, on or before the anniversary of approval of the
36 petition for circulation:

37 (a) Shall file annually, with the city elections officer, a statement that the initiative petition is
38 still active; and

39 (b) May submit to the city elections officer for verification any signatures gathered on the pe-
40 tition in the preceding year.

41 (8) Not later than 30 days before the date that the chief petitioners must file a statement and
42 submit signatures under subsection (7) of this section, the city elections officer shall notify the chief
43 petitioners in writing of the requirements of subsection (7) of this section. The notice shall be sent
44 by certified mail, return receipt requested.

45 (9) A city elections officer shall not accept for filing any petition which has not met the pro-

1 visions of subsection (7) of this section.

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

5 **SECTION 18.** ORS 255.135 is amended to read:

6 255.135. (1) Before circulating a petition to initiate or refer a district measure, the petitioner
7 shall file with the elections officer a prospective petition. The elections officer immediately shall
8 date and time stamp the prospective petition, and specify the form on which the petition shall be
9 printed for circulation. The officer shall retain the prospective petition.

10 (2) The cover of an initiative or referendum petition shall designate the name and residence
11 address of not more than three persons as chief petitioners and shall contain instructions for per-
12 sons obtaining signatures of electors on the petition. The instructions shall be adopted by the Sec-
13 retary of State by rule. The cover of a referendum petition shall contain the title described in ORS
14 255.145 (1). If the circuit court has not reviewed the ballot title under ORS 255.155, the cover of an
15 initiative petition shall contain the ballot title described in ORS 255.145 (3). If the circuit court has
16 reviewed the ballot title, the cover of the initiative petition shall contain the title certified by the
17 court.

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

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

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

27 (4)(a) Each sheet of signatures on an initiative petition shall contain the caption of the ballot
28 title. Each sheet of signatures on a referendum petition shall contain the number of the ordinance
29 to be referred and the date it was adopted by the district board.

30 (b) Each sheet of signatures on an initiative or referendum petition shall, if one or more persons
31 will be paid for obtaining signatures of electors on the petition, contain a notice stating: "Some
32 Circulators For This Petition Are Being Paid."

33 (5) The reverse side of the cover of an initiative or referendum petition shall be used for ob-
34 taining signatures on an initiative or referendum petition.

35 (6) Not more than 20 signatures on the signature sheet of the initiative or referendum petition
36 shall be counted. The circulator shall certify on each signature sheet that *[the individuals signed the*
37 *sheet in the presence of the circulator and that the circulator believes each individual is an elector*
38 *registered in the district]* **the circulator:**

39 **(a) Witnessed the signing of the signature sheet by each individual whose signature ap-**
40 **pears on the signature sheet; and**

41 **(b) Believes each individual is an elector registered in the district.**

42 (7) If the gathering of signatures exceeds the period of one year from the time the petition is
43 approved for circulation, any of the chief petitioners, on or before the anniversary of approval of the
44 petition for circulation:

45 (a) Shall file annually with the elections officer a statement that the initiative petition is still

1 active; and

2 (b) May submit to the elections officer for verification any signatures gathered on the petition
3 in the preceding year.

4 (8) Not later than 30 days before the date that the chief petitioners must file a statement and
5 submit signatures under subsection (7) of this section, the elections officer shall notify the chief
6 petitioners in writing of the requirements of subsection (7) of this section. The notice shall be sent
7 by certified mail, return receipt requested.

8 (9) The elections officer shall not accept for filing any petition which has not met the provisions
9 of subsection (7) of this section.

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

13 **SECTION 19.** ORS 198.430 is amended to read:

14 198.430. (1) **Before circulating** a petition for recall of a district officer of a district other than
15 a district defined in ORS 255.012, **the petitioner shall file the petition** [*shall be filed*] with the of-
16 ficer with whom a petition for nomination to such office should be filed. Except as provided in this
17 subsection, if there is no such officer or if the officer is the district officer against whom the petition
18 is being filed, the petition shall be filed with the county clerk of the county in which the adminis-
19 trative office of the district is located. In the case of an irrigation district organized under ORS
20 chapter 545, if there is no such officer or if the officer is the district officer against whom the pe-
21 tition is being filed, the petition shall be filed with the board of directors of the irrigation district.

22 (2) The petition shall be signed by a number of persons who are qualified to vote in the district,
23 that is equal to but not less than the lesser of:

24 (a) Fifteen percent of the persons who are qualified to vote in the district, or subdivision of the
25 district from which the district officer was elected; or

26 (b) Fifteen percent of the total votes cast in the electoral district for all candidates for Governor
27 at the most recent election at which a candidate for Governor was elected to a full term.

28 (3) The [*person circulating the signature sheet*] **circulator of the signature sheet** shall certify
29 on each sheet that [*every person who signed the sheet did so in the presence of the person circulating*
30 *the sheet and that the person circulating the sheet believes that each signer stated the correct residence*
31 *address of the signer and is a person qualified to vote in the district*] **the circulator:**

32 (a) **Witnessed the signing of the signature sheet by each individual whose signature ap-**
33 **pears on the signature sheet; and**

34 (b) **Believes each individual stated the correct residence address of the individual and is**
35 **an individual qualified to vote in the district.**

36 (4) In those districts where a person qualified to vote must be an elector, the petition, before
37 filing, shall be submitted to the county clerk who shall compare the signatures of the persons sign-
38 ing the petition with the signatures of electors on the register of electors and, on the face of each
39 signature sheet, shall make a certificate of the number of signatures the county clerk believes to
40 be genuine. In other districts, the officer who receives the petition for filing, before filing the peti-
41 tion, shall verify the signatures and make a certificate of the number of signatures the officer be-
42 lieves to be genuine.

43 (5) The district shall pay the expense of verifying the signatures and of calling and conducting
44 the election. The election shall be conducted in the district, or in the subdivision of the district from
45 which the district officer was elected, in accordance with the law governing election of district of-

1 ficers.

2 (6) A person who is qualified to vote in a district under this section is a person who is qualified,
3 under the law applicable to the district, to vote in an election at which members of the governing
4 body of the district are elected.

5 (7) A recall petition is void unless the petition is filed not later than the 100th day after the date
6 of the first signature on the petition. Not later than the 90th day after the date of the first signature,
7 the petition shall be submitted for signature verification to the county clerk or other officer de-
8 scribed in subsection (4) of this section who shall make the certificate of the number of genuine
9 signatures not later than the 10th day after the date of submission. The petition must contain only
10 original signatures. A recall petition shall not be accepted for signature verification if the petition
11 contains less than 100 percent of the required number of signatures. A recall petition shall not be
12 accepted for filing until 100 percent of the required number of signatures have been verified.

13 **SECTION 20.** ORS 198.750 is amended to read:

14 198.750. (1) If a proposal for formation or change of organization of a district is made by peti-
15 tion, the petition shall:

16 (a) State that the petition is filed pursuant to ORS 198.705 to 198.955.

17 (b) State the names of all affected districts and all affected counties.

18 (c) Designate the principal Act of each affected district.

19 (d) State the nature of the proposal, whether formation of a district or change of organization
20 and the kind of change proposed.

21 (e) State whether the territory subject to the petition is inhabited or uninhabited.

22 (f) If the petition is for formation, and district board members are elected, state the number of
23 members on the board.

24 (g) If the petition is for formation, include a proposed permanent rate limit for operating taxes
25 sufficient to support the services and functions described in the economic feasibility statement re-
26 quired by ORS 198.749. A tax rate limit need not be included in the petition if no tax revenues are
27 necessary to support the services and functions described in the economic feasibility statement. The
28 tax rate limit shall be expressed in dollars per thousand dollars of assessed value. The tax rate limit
29 shall be calculated for the latest tax year for which the assessed value of the proposed district is
30 available.

31 (h) Set forth any proposed terms and conditions, if any, to which a proposed formation or change
32 of organization is to be subject.

33 (i) State, or indicate opposite each signature, whether the signers of the petition are landowners
34 within the district or electors registered in the district, or both.

35 (j) Request that proceedings be taken for the formation or change of organization proposed.

36 (2) If the petition proposes formation of a district, the petition shall set forth a description of
37 the boundaries of the territory proposed to be included in the district. If the petition proposes
38 annexation or withdrawal of territory, the petition shall set forth a description of the boundaries
39 of the territory to be annexed or withdrawn.

40 (3) If a petition proposes formation of a district, or consolidation or merger of districts, the pe-
41 tition may propose a name for the new district or for the surviving or successor district.

42 (4) The [*person circulating the petition*] **circulator of the petition** shall certify on each signature
43 sheet of the petition that [*every person who signed the petition did so in the presence of the person*
44 *circulating the petition*] **the circulator witnessed the signing of the signature sheet by each in-**
45 **dividual whose signature appears on the signature sheet.**

1 **SECTION 21.** ORS 221.031 is amended to read:

2 221.031. (1) Before circulating a petition to incorporate unincorporated territory as a city, the
 3 petitioners shall file with the county clerk of the county in which the proposed city lies or, should
 4 it lie in more than one county, to the county clerk of the county in which the largest part of its
 5 territory lies, a petition for incorporation in a form prescribed by rule of the Secretary of State. If
 6 the economic feasibility statement required by ORS 221.035 is submitted with the petition, the
 7 county clerk shall immediately date and time stamp the prospective petition and shall authorize the
 8 circulation of the petition. The county clerk shall retain the prospective petition and economic fea-
 9 sibility statement and shall immediately send two copies of the prospective petition to the appro-
 10 priate county court.

11 (2) A petition for incorporation filed with the county clerk under subsection (1) of this section
 12 shall designate the name and residence address of not more than three persons as chief petitioners,
 13 who shall be electors registered within the boundaries of the proposed city. The petition shall con-
 14 tain the name of the proposed city. The petition shall also include a proposed permanent rate limit
 15 for operating taxes that would generate operating tax revenues sufficient to support an adequate
 16 level of municipal services. The tax rate limit shall be expressed in dollars per thousand dollars of
 17 assessed value. The tax rate limit shall be calculated for the latest tax year for which the assessed
 18 value of the proposed city is available. There shall be attached to the cover sheet of the petition a
 19 map indicating the exterior boundaries of the proposed city. The map shall not exceed 14 inches by
 20 17 inches in size and shall be used in lieu of a metes and bounds or legal description of the proposed
 21 city. If the territory proposed to be incorporated is within the jurisdiction of a local government
 22 boundary commission, the petition shall be accompanied by the economic feasibility analysis re-
 23 quired under ORS 199.476 (1). Notwithstanding subsection (1) of this section, unless the economic
 24 feasibility analysis is approved by the local government boundary commission as provided in ORS
 25 199.522, the county clerk shall not authorize the circulation of the petition.

26 (3) Each sheet of signatures shall be attached to a full and correct copy of the petition for in-
 27 corporation. Not more than 20 signatures on each sheet of the petition for incorporation shall be
 28 counted. The circulator shall certify on each signature sheet that [*the individuals signed the sheet*
 29 *in the presence of*] the circulator **witnessed the signing of the signature sheet by each individual**
 30 **whose signature appears on the signature sheet** and that the circulator believes each individual
 31 is an elector registered in the county. If the territory proposed to be incorporated is within the ju-
 32 risdiction of a local government boundary commission, each signature sheet shall contain a state-
 33 ment that the economic feasibility analysis for the proposed city was approved by the boundary
 34 commission, that the analysis is available for inspection at the offices of the boundary commission
 35 and that subsequent to the gathering of the petitions the boundary commission must review and
 36 finally approve the proposal prior to submission at an election.

37 **SECTION 22.** ORS 248.008 is amended to read:

38 248.008. (1) An affiliation of electors becomes a minor political party in the state, a county or
 39 other electoral district, qualified to make nominations for public office in that electoral district and
 40 in any other electoral district wholly contained within the electoral district, when either of the
 41 following events occurs:

42 (a) When the affiliation of electors has filed with the Secretary of State a petition with the
 43 signatures of at least a number of electors equal to one and one-half percent of the total votes cast
 44 in the electoral district for all candidates for Governor at the most recent election at which a can-
 45 didate for Governor was elected to a full term. The petition also shall state the intention to form

1 a new political party and give the designation of it. The filed petition shall contain only original
 2 signatures. The petition shall be filed not later than two years following the date the prospective
 3 petition is filed. The circulator shall certify on each signature sheet that [*the individuals signed the*
 4 *sheet in the presence of*] the circulator **witnessed the signing of the signature sheet by each in-**
 5 **dividual whose signature appears on the signature sheet** and that the circulator believes each
 6 individual is an elector registered in the electoral district. The Secretary of State shall verify
 7 whether the petition contains the required number of signatures of electors. The petition shall not
 8 be accepted for filing if it contains less than 100 percent of the required number of signatures. The
 9 Secretary of State by rule shall designate a statistical sampling technique to verify whether a peti-
 10 tion contains the required number of signatures of electors. A petition shall not be rejected for the
 11 reason that it contains less than the required number of signatures unless two separate sampling
 12 processes both establish that the petition lacks the required number of signatures. The second
 13 sampling must contain a larger number of signatures than the first sampling. The Secretary of State
 14 may employ professional assistance to determine the sampling technique. The statistical sampling
 15 technique may be the same as that adopted under ORS 250.105. Before circulating the petition, the
 16 chief sponsor of the petition shall file with the Secretary of State a signed copy of the prospective
 17 petition. The chief sponsor shall include with the prospective petition a statement declaring whether
 18 one or more persons will be paid money or other valuable consideration for obtaining signatures of
 19 electors on the petition. After the prospective petition is filed, the chief sponsor shall notify the
 20 filing officer not later than the 10th day after the chief sponsor first has knowledge or should have
 21 had knowledge that:

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

24 (B) No person is being paid for obtaining signatures, when the statement included with the
 25 prospective petition declared that one or more such persons would be paid.

26 (b) When the affiliation of electors has polled for any one of its candidates for any public office
 27 in the electoral district at least one percent of the total votes cast in the electoral district for all
 28 candidates for:

29 (A) Presidential elector at the last general election at which candidates for President and Vice
 30 President of the United States were listed on the ballot; or

31 (B) Any single state office to be voted upon in the state at large for which nominations by pol-
 32 itical parties are permitted by law at the most recent election at which a candidate for the office
 33 was elected to a full term.

34 (2) After satisfying either requirement of subsection (1) of this section, the minor political party
 35 may nominate candidates at the next general election if at any time during the period beginning on
 36 the date of the next primary election and ending on the 90th day before the next general election,
 37 a number of electors equal to at least one-tenth of one percent of the total votes cast in the state
 38 or electoral district for all candidates for Governor at the most recent election at which a candidate
 39 for Governor was elected to a full term are registered as members of the party.

40 (3) A filing officer shall not accept a certificate of nomination of a candidate nominated by a
 41 minor political party unless the minor political party has satisfied the registration requirement of
 42 subsection (2) of this section.

43 (4) After a minor political party qualifies to nominate candidates, in order to maintain status
 44 as a minor political party:

45 (a) A candidate or candidates of the party must poll a number of votes described in subsection

1 (1)(b) of this section at each subsequent general election and following each general election, the
2 registration requirement of subsection (2) of this section must be satisfied; or

3 (b) Following each general election, at any time during the period beginning on the date of the
4 next primary election and ending on the 90th day before the next general election, a number of
5 electors equal to at least one-half of one percent of the total number of registered electors in this
6 state must be registered as members of the party.

7 (5) An affiliation of electors ceases to be a minor political party in the state or electoral district
8 if:

9 (a) The registration requirement of subsection (2) or (4)(b) of this section is not satisfied. The
10 affiliation of electors ceases to be a minor political party on the date of the deadline for satisfying
11 the registration requirement; or

12 (b) Except as provided in subsection (4)(b) of this section, in the case of a minor political party
13 qualified to nominate candidates, a candidate or candidates of the minor political party do not sat-
14 isfy the one percent requirement specified in subsection (1)(b) of this section at the next general
15 election. The affiliation of electors ceases to be a minor political party on the date of the election.

16 (6) During the period beginning on the date of the primary election and ending on the 90th day
17 before the date of the general election, the Secretary of State shall determine not less than once
18 each month whether the registration requirement of subsection (2) or (4)(b) of this section has been
19 satisfied. If the party changes its name, only those electors who register on or after the effective
20 date of the name change as members of the party under the new party name shall be counted as
21 members of the party under this subsection.

22 (7) An affiliation of electors or a minor political party may not satisfy the one percent require-
23 ment referred to in subsection (1)(b) of this section by nominating a candidate who is the nominee
24 of another political party at the same election.

25 **SECTION 23.** ORS 249.061 is amended to read:

26 249.061. (1) [No] **A** petition for nomination [*shall*] **may not** contain the name of more than one
27 candidate.

28 (2) Before circulating a nominating petition, the candidate shall deliver to the officer with whom
29 the petition will be filed, a copy of the prospective petition signed by the candidate.

30 (3) The candidate shall include with the nominating petition a statement declaring whether one
31 or more persons will be paid money or other valuable consideration for obtaining signatures of
32 electors on the nominating petition. After the nominating petition is filed, the candidate shall notify
33 the filing officer not later than the 10th day after the candidate first has knowledge or should have
34 had knowledge that:

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

37 (b) No person is being paid for obtaining signatures, when the statement included with the
38 nominating petition declared that one or more such persons would be paid.

39 (4) The circulator shall certify on each signature sheet that [*the individuals signed the sheet in*
40 *the presence of the circulator and that the circulator believes each individual is an elector qualified to*
41 *sign the petition*] **the circulator:**

42 (a) **Witnessed the signing of the signature sheet by each individual whose signature ap-**
43 **pears on the signature sheet; and**

44 (b) **Believes each individual is an elector qualified to sign the petition.**

45 **SECTION 24.** ORS 249.740 is amended to read:

1 249.740. (1) A certificate of nomination made by individual electors shall contain a number of
2 signatures of electors in the electoral district equal to not less than one percent of the total votes
3 cast in the electoral district for which the nomination is intended to be made, for all candidates for
4 presidential electors at the last general election.

5 (2) Each elector signing a certificate of nomination made by individual electors shall include the
6 residence or mailing address of the elector. Except for a certificate of nomination of candidates for
7 electors of President and Vice President of the United States, a certificate of nomination made by
8 individual electors shall contain the name of only one candidate.

9 (3) Before beginning to circulate the certificate of nomination, the chief sponsor of the certifi-
10 cate shall file a signed copy of the prospective certificate with the filing officer referred to in ORS
11 249.722. The chief sponsor of the certificate shall include with the prospective certificate a state-
12 ment declaring whether one or more persons will be paid money or other valuable consideration for
13 obtaining signatures of electors on the certificate. After the prospective certificate is filed, the chief
14 sponsor shall notify the filing officer not later than the 10th day after the chief sponsor first has
15 knowledge or should have had knowledge that:

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

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

20 (4) The circulator shall certify on each signature sheet that [*the individuals signed the sheet in*
21 *the presence of the circulator and that the circulator believes each individual is an elector registered*
22 *in the electoral district*] **the circulator:**

23 **(a) Witnessed the signing of the signature sheet by each individual whose signature ap-**
24 **pears on the signature sheet; and**

25 **(b) Believes each individual is an elector registered in the electoral district.**

26 (5) The signatures contained in each certificate of nomination made by individual electors shall
27 be certified for genuineness by the county clerk under ORS 249.008.

28 (6) As used in this section, “prospective certificate” means the information, except signatures
29 and other identification of certificate signers, required to be contained in a completed certificate
30 of nomination.

31 **SECTION 25.** ORS 249.865 is amended to read:

32 249.865. (1) Pursuant to section 18, Article II of the Oregon Constitution, an elector of the
33 electoral district from which the public officer is elected may file a petition demanding the recall
34 of the public officer. Before the petition is circulated for signatures, the chief petitioner of the pe-
35 tition shall file with the officer authorized to order the recall election:

36 (a) A copy of the prospective petition signed by the chief petitioner;

37 (b) A statement of organization described in ORS 260.118; and

38 (c) A statement conforming to ORS 260.083 of contributions received and expenditures made by
39 or on behalf of the chief petitioner and political committee the chief petitioner represents, if any,
40 to the date of filing the prospective petition.

41 (2) The chief petitioner shall include with the prospective petition a statement declaring whether
42 one or more persons will be paid money or other valuable consideration for obtaining signatures of
43 electors on the recall petition. After the prospective petition is filed, the chief petitioner shall notify
44 the filing officer not later than the 10th day after the chief petitioner first has knowledge or should
45 have had knowledge that:

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

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

5 (3) Each sheet of the recall petition must contain:

6 (a) The words "Petition for recall of," (name and title of officer) and the date of the filing under
7 subsection (1) of this section; and

8 (b) The name and address of the treasurer listed on the statement of organization filed under
9 subsection (1) of this section.

10 (4) Not more than 20 signatures on each sheet of the recall petition shall be counted. The
11 circulator shall certify on each signature sheet that *[the individuals signed the sheet in the presence*
12 *of the circulator and that the circulator believes each individual is an elector]* **the circulator:**

13 **(a) Witnessed the signing of the signature sheet by each individual whose signature ap-**
14 **pears on the signature sheet; and**

15 **(b) Believes each individual is an elector.**

16 (5) Any intentional or willful violation of subsection (1) or (2) of this section by a chief petitioner
17 of the recall petition or by the treasurer listed on the statement of organization filed under sub-
18 section (1) of this section invalidates the prospective petition before it is circulated for signatures.

19 **SECTION 26.** ORS 261.115 is amended to read:

20 261.115. (1) All electors' petitions shall contain a statement as to whether or not the petitioners
21 are desirous of forming a utility district, or to annex territory to an existing utility district, or to
22 consolidate two or more existing utility districts, the description of the territory sought to be in-
23 cluded therein and the name by which the utility district is to be known. The statement shall be
24 printed on a separate page or pages.

25 (2) There shall be a signature sheet with sufficient space for 20 signatures, and opposite the
26 name of each signer, a space for the residence address of the signers of the petition and the number
27 of their voting precinct. The *[person circulating the petition]* **circulator** shall certify on each signa-
28 ture sheet that *[every person who signed the petition did so in the circulator's presence and that the*
29 *circulator believes that each signer stated that signer's correct residence address and is an elector]* **the**
30 **circulator:**

31 **(a) Witnessed the signing of the signature sheet by each individual whose signature ap-**
32 **pears on the signature sheet; and**

33 **(b) Believes that each individual stated the correct residence address of the individual**
34 **and that the individual is an elector.**

35 (3) An electors' petition shall designate three or more persons as chief petitioners and shall set
36 forth their names and mailing addresses.

37 **SECTION 27.** ORS 545.025 is amended to read:

38 545.025. (1) When owners of land that is irrigated or susceptible to irrigation desire to provide
39 for the construction of works for irrigation of their land, to provide for the reconstruction,
40 betterment, extension, purchase, operation or maintenance of works already constructed, or to pro-
41 vide for the assumption of indebtedness to the United States incurred under the federal reclamation
42 laws on account of their lands, they may propose the organization of an irrigation district under the
43 Irrigation District Law by signing a petition and filing it with the county court of the principal
44 county, as defined in ORS 198.705. The petition must be signed by a majority of the owners of land
45 or 50 owners of land within the exterior boundaries of the proposed district.

1 (2) The petition shall set forth:

2 (a) A statement that the petition is filed for the formation of an irrigation district under the
3 Irrigation District Law;

4 (b) The name of the proposed district;

5 (c) A description of the exterior boundaries of the proposed district. The description may be by
6 metes and bounds, quarter quarter section lines or assessor's map and tax lot numbers;

7 (d) A statement declaring whether the district board of directors shall consist of three or five
8 members and, if three members, whether the district shall be subdivided for the election of directors
9 or whether directors shall be elected at large; and

10 (e) A request that proceedings be taken for the formation of the district.

11 (3) ORS 198.760, 198.765, 198.770 and 198.775 apply to petitions for the formation of an irrigation
12 district, except that an economic feasibility statement is not required.

13 (4) *[Each person circulating the petition]* **The circulator** shall certify on each signature sheet
14 that *[every person who signed the petition did so in the presence of the person circulating the*
15 *petition]* **the circulator witnessed the signing of the signature sheet by each individual whose**
16 **signature appears on the signature sheet.**

17 (5) A description and map of all of the lands that are included within the proposed district and
18 that will be subject to the charges and assessments of the district, together with the names and
19 mailing addresses of all of the owners of the lands, shall be included in the petition or attached to
20 the petition as an exhibit. Reference to the assessor's map and tax lot number is sufficient for the
21 description of lands required under this subsection.

22 (6) When the petition for formation is filed with the county court of the principal county, the
23 county court shall set a date for a hearing on the petition. The date set for the hearing shall be not
24 less than 30 days nor more than 50 days after the date on which the petition is filed. The county
25 court shall cause notice of the hearing to be posted in at least three public places in the county and
26 published by two insertions in a newspaper. The notice shall state:

27 (a) The purpose for which the district is to be formed.

28 (b) The name and boundaries of the proposed district.

29 (c) The time and place for the hearing on the petition.

30 (d) That all interested persons may appear and be heard.

31 (7) If the petition is signed by all of the owners of all of the lands that are included within the
32 proposed district and that will be subject to the charges and assessments of the proposed district,
33 publication of the notice of the hearing on the petition is not required. A petition signed by all of
34 the owners of all of the lands that are included within the proposed district and that will be subject
35 to the charges and assessments of the proposed district may also contain the names of persons de-
36 sired as the members of the first board of directors of the proposed district, the initial term of office
37 of each director and a written statement from each of those persons in which the person agrees to
38 serve as a director of the proposed district.

39 (8) If an elector is not a resident of the district or this state, a legal representative of the owner
40 of land, including an individual acting pursuant to a power of attorney, may sign a formation peti-
41 tion for and on behalf of the owner.

42 **SECTION 28.** ORS 260.005, as amended by section 21, chapter 809, Oregon Laws 2005, is
43 amended to read:

44 260.005. As used in this chapter:

45 (1)(a) "Candidate" means:

1 (A) An individual whose name is printed on a ballot, for whom a declaration of candidacy,
2 nominating petition or certificate of nomination to public office has been filed or whose name is
3 expected to be or has been presented, with the individual's consent, for nomination or election to
4 public office;

5 (B) An individual who has solicited or received and accepted a contribution, made an expendi-
6 ture, or given consent to an individual, organization, political party or political committee to solicit
7 or receive and accept a contribution or make an expenditure on the individual's behalf to secure
8 nomination or election to any public office at any time, whether or not the office for which the in-
9 dividual will seek nomination or election is known when the solicitation is made, the contribution
10 is received and retained or the expenditure is made, and whether or not the name of the individual
11 is printed on a ballot; or

12 (C) A public office holder against whom a recall petition has been completed and filed.

13 (b) For purposes of this section and ORS 260.035 to 260.159, "candidate" does not include a
14 candidate for the office of precinct committeeperson.

15 (2) "Committee director" means any person who directly and substantially participates in
16 decision-making on behalf of a political committee concerning the solicitation or expenditure of
17 funds and the support of or opposition to candidates or measures. The officers of a political party
18 shall be considered the directors of any political party committee of that party, unless otherwise
19 provided in the party's bylaws.

20 (3)(a) Except as provided in ORS 260.007, "contribute" or "contribution" includes:

21 (A) The payment, loan, gift, forgiving of indebtedness, or furnishing without equivalent compen-
22 sation or consideration, of money, services other than personal services for which no compensation
23 is asked or given, supplies, equipment or any other thing of value:

24 (i) For the purpose of influencing an election for public office or an election on a measure, or
25 of reducing the debt of a candidate for nomination or election to public office or the debt of a pol-
26 itical committee; or

27 (ii) To or on behalf of a candidate, political committee or measure; and

28 (B) Any unfulfilled pledge, subscription, agreement or promise, whether or not legally enforcea-
29 ble, to make a contribution.

30 (b) Regarding a contribution made for compensation or consideration of less than equivalent
31 value, only the excess value of it shall be considered a contribution.

32 (4)(a) "Controlled committee" means a political committee that, in connection with the making
33 of contributions or expenditures:

34 (A) Is controlled directly or indirectly by a candidate or a controlled committee; or

35 (B) Acts jointly with a candidate or controlled committee.

36 (b) For purposes of this subsection, a candidate controls a political committee if:

37 (A) The candidate, the candidate's agent, a member of the candidate's immediate family or any
38 other political committee that the candidate controls has a significant influence on the actions or
39 decisions of the political committee; or

40 (B) The candidate's principal campaign committee and the political committee both have the
41 candidate or a member of the candidate's immediate family as a treasurer or director.

42 (5) "County clerk" means the county clerk or the county official in charge of elections.

43 (6) "Elector" means an individual qualified to vote under section 2, Article II of the Oregon
44 Constitution.

45 (7) Except as provided in ORS 260.007, "expend" or "expenditure" includes the payment or fur-

1 nishing of money or anything of value or the incurring or repayment of indebtedness or obligation
 2 by or on behalf of a candidate, political committee or person in consideration for any services,
 3 supplies, equipment or other thing of value performed or furnished for any reason, including support
 4 of or opposition to a candidate, political committee or measure, or for reducing the debt of a can-
 5 didate for nomination or election to public office. “Expenditure” also includes contributions made
 6 by a candidate or political committee to or on behalf of any other candidate or political committee.

7 (8) “Filing officer” means:

8 (a) The Secretary of State:

9 (A) Regarding a candidate for public office;

10 (B) Regarding a statement required to be filed under ORS 260.118 [*by the chief petitioners of a*
 11 *statewide initiative or referendum petition or by the chief petitioners of a recall petition relating to a*
 12 *person holding state office*];

13 (C) Regarding any measure; or

14 (D) Regarding any political committee.

15 [(b) *The county clerk, regarding a statement required to be filed under ORS 260.118 by:*]

16 [(A) *The chief petitioners of a county initiative or referendum petition;*]

17 [(B) *The chief petitioners of a district initiative or referendum petition where the district is situated*
 18 *wholly within one county; or*]

19 [(C) *The chief petitioners of a recall petition relating to a county public office holder or a district*
 20 *public office holder where the district is situated wholly within one county.*]

21 [(c) *The chief city elections officer, regarding a statement required to be filed under ORS 260.118*
 22 *by:*]

23 [(A) *The chief petitioners of a city initiative or referendum petition; or*]

24 [(B) *The chief petitioners of a recall petition relating to a city public office holder.*]

25 [(d) *The county clerk of the county in which the office of the chief administrative officer or ad-*
 26 *ministrative board is located, when the district is situated in more than one county, regarding a state-*
 27 *ment required to be filed under ORS 260.118 by:*]

28 [(A) *The chief petitioners of a district initiative or referendum petition; or*]

29 [(B) *The chief petitioners of a recall petition relating to a district public office holder.*]

30 [(e)] (b) Notwithstanding [paragraphs (a) to (d)] **paragraph (a)** of this subsection, in the case of
 31 an irrigation district formed under ORS chapter 545:

32 (A) The county clerk, regarding any candidate for office or any measure at an irrigation district
 33 formation election where the proposed district is situated wholly in one county;

34 (B) The county clerk of the county in which the office of the secretary of the proposed irrigation
 35 district will be located, regarding any candidate for office or any measure at an irrigation district
 36 formation election where the proposed district is situated in more than one county; or

37 (C) The secretary of the irrigation district for any election other than an irrigation district
 38 formation election.

39 (9) “Independent expenditure” means an expenditure by a person for a communication in support
 40 of or in opposition to a clearly identified candidate or measure that is not made with the cooper-
 41 ation or with the prior consent of, or in consultation with, or at the request or suggestion of, a
 42 candidate or any agent or authorized committee of the candidate, or any political committee or
 43 agent of a political committee supporting or opposing a measure. For purposes of this subsection:

44 (a) A communication is “in support of or in opposition to” a candidate or measure if:

45 (A) The communication, taken in its context, clearly and unambiguously urges the election or

1 defeat of a clearly identified candidate for nomination or election to public office, or the passage
2 or defeat of a clearly identified measure;

3 (B) The communication, as a whole, seeks action rather than simply conveying information; and

4 (C) It is clear what action the communication advocates.

5 (b) “Agent” means any person who has:

6 (A) Actual oral or written authority, either express or implied, to make or to authorize the
7 making of expenditures on behalf of a candidate or on behalf of a political committee supporting or
8 opposing a measure; or

9 (B) Been placed in a position within the campaign organization where it would reasonably ap-
10 pear that in the ordinary course of campaign-related activities the person may authorize expen-
11 ditures.

12 (c) “Clearly identified” means, with respect to candidates:

13 (A) The name of the candidate involved appears;

14 (B) A photograph or drawing of the candidate appears; or

15 (C) The identity of the candidate is apparent by unambiguous reference.

16 (d) “Clearly identified” means, with respect to measures:

17 (A) The ballot number of the measure appears;

18 (B) A description of the measure’s subject or effect appears; or

19 (C) The identity of the measure is apparent by unambiguous reference.

20 (e) “Made with the cooperation or with the prior consent of, or in consultation with, or at the
21 request or suggestion of, a candidate or any agent or authorized committee of the candidate, or any
22 political committee or agent of a political committee supporting or opposing a measure”:

23 (A) Means any arrangement, coordination or direction by the candidate or the candidate’s agent,
24 or by any political committee or agent of a political committee supporting or opposing a measure,
25 prior to the publication, distribution, display or broadcast of the communication. An expenditure
26 shall be presumed to be so made when it is:

27 (i) Based on information about the plans, projects or needs of the candidate, or of the political
28 committee supporting or opposing a measure, and provided to the expending person by the candidate
29 or by the candidate’s agent, or by any political committee or agent of a political committee sup-
30 porting or opposing a measure, with a view toward having an expenditure made; or

31 (ii) Made by or through any person who is or has been authorized to raise or expend funds, who
32 is or has been an officer of a political committee authorized by the candidate or by a political
33 committee or agent of a political committee supporting or opposing a measure, or who is or has been
34 receiving any form of compensation or reimbursement from the candidate, the candidate’s principal
35 campaign committee or agent or from any political committee or agent of a political committee
36 supporting or opposing a measure; and

37 (B) Does not include providing to the expending person upon request a copy of this chapter or
38 any rules adopted by the Secretary of State relating to independent expenditures.

39 (10) “Initiative petition” means a petition to initiate a measure for which a prospective petition
40 has been filed but that is not yet a measure.

41 (11) “Judge” means judge of the Supreme Court, Court of Appeals, circuit court or the Oregon
42 Tax Court.

43 (12) “Mass mailing” means more than 200 substantially similar pieces of mail, but does not in-
44 clude a form letter or other mail that is sent in response to an unsolicited request, letter or other
45 inquiry.

1 (13) "Measure" includes any of the following submitted to the people for their approval or re-
2 jection at an election:

3 (a) A proposed law.

4 (b) An Act or part of an Act of the Legislative Assembly.

5 (c) A revision of or amendment to the Oregon Constitution.

6 (d) Local, special or municipal legislation.

7 (e) A proposition or question.

8 (14) "Occupation" means:

9 (a) The nature of an individual's principal business; and

10 (b) If the individual is employed by another person, the business name and address, by city and
11 state, of the employer.

12 (15) "Person" means an individual, corporation, limited liability company, labor organization,
13 association, firm, partnership, joint stock company, club, organization or other combination of indi-
14 viduals having collective capacity.

15 (16)(a) "Political committee" means a combination of two or more individuals, or a person other
16 than an individual, that has:

17 (A) Received a contribution for the purpose of supporting or opposing a candidate, measure or
18 political party; or

19 (B) Made an expenditure for the purpose of supporting or opposing a candidate, measure or
20 political party.

21 (b) For purposes of paragraph (a)(B) of this subsection, an expenditure does not include:

22 (A) A contribution to a candidate or political committee that is required to report the contri-
23 bution on a statement filed under ORS 260.057, 260.076 or 260.102 or a certificate filed under ORS
24 260.112; or

25 (B) An independent expenditure for which a statement is required to be filed by a person under
26 ORS 260.044 (1).

27 (17) "Public office" means any national, state, county, district, city office or position, except a
28 political party office, that is filled by the electors.

29 (18) "Recall petition" means a petition to recall a public officer for which a prospective petition
30 has been filed but that is not yet a measure.

31 (19) "Referendum petition" means a petition to refer a measure for which a prospective petition
32 has been filed but that is not yet a measure.

33 (20) "Regular district election" means the regular district election described in ORS 255.335.

34 (21) "Slate mailer" means a mass mailing that supports or opposes a total of three or more
35 candidates or measures.

36 (22)(a) "Slate mailer organization" means, except as provided in paragraph (b) of this subsection,
37 any person who directly or indirectly:

38 (A) Is involved in the production of one or more slate mailers and exercises control over the
39 selection of the candidates and measures to be supported or opposed in the slate mailers; and

40 (B) Receives or is promised payment for producing one or more slate mailers or for endorsing
41 or opposing, or refraining from endorsing or opposing, a candidate or measure in one or more slate
42 mailers.

43 (b) Notwithstanding paragraph (a) of this subsection, "slate mailer organization" does not in-
44 clude:

45 (A) A political committee organized by a political party; or

1 (B) A political committee organized by the caucus of either the Senate or the House of Repre-
2 sentatives of the Legislative Assembly.

3 (23) "State office" means the office of Governor, Secretary of State, State Treasurer, Attorney
4 General, Commissioner of the Bureau of Labor and Industries, Superintendent of Public Instruction,
5 state Senator, state Representative, judge or district attorney.

6 **SECTION 29.** ORS 260.255, as amended by section 44a, chapter 809, Oregon Laws 2005, is
7 amended to read:

8 260.255. (1) Except as provided in subsection (2) of this section, a filing officer shall preserve
9 each statement filed with the officer under ORS 260.057, 260.076, 260.083, 260.102, 260.112 or 260.118,
10 or an accurate copy of it, for at least six calendar years.

11 (2) The Secretary of State shall maintain all data filed electronically under ORS 260.057 on the
12 Internet for at least six calendar years after the date the secretary first makes the data available.
13 After six calendar years, if the data are not maintained on the Internet, the secretary shall archive
14 the data in a secure format so that the data are available to the public. **This subsection does not**
15 **apply to data that may not be made available to the public under ORS 260.057 (6)(b).**

16 **SECTION 30.** ORS 260.402 is amended to read:

17 260.402. (1) A person may not make a contribution in any name other than that of the person
18 who in truth provides the contribution to:

19 (a) Any other person, relating to a nomination or election of any candidate or the support of
20 or opposition to any measure;

21 (b) Any political committee; or

22 (c) A chief petitioner **of an initiative, referendum or recall petition** or a treasurer required
23 to file a statement under ORS 260.118.

24 (2) Except as provided in subsection (3) of this section, a person, political committee, [or] chief
25 petitioner **or treasurer** may not knowingly receive a contribution prohibited under subsection (1)
26 of this section or enter or cause the contribution to be entered in accounts or records in another
27 name than that of the person by whom it was actually provided.

28 (3) If a person receives a contribution from a political committee, the person may enter the
29 contribution into accounts or records as received from the political committee.

30 **SECTION 31.** (1)(a) **Section 2 of this 2007 Act does not apply to persons who pay or re-**
31 **ceive money or other valuable consideration for obtaining signatures of electors on a state**
32 **initiative or referendum petition that, if filed with the required number of signatures of**
33 **electors, will be submitted to the people at the general election held on the first Tuesday**
34 **after the first Monday in November 2008.**

35 **(b) Section 2 of this 2007 Act applies to persons who pay or receive money or other val-**
36 **uable consideration for obtaining signatures of electors on a state initiative or referendum**
37 **petition that, if filed with the required number of signatures of electors, will be submitted**
38 **to the people at a general election occurring after the first Tuesday after the first Monday**
39 **in November 2008, regardless of when the prospective petition for the initiative or referen-**
40 **dum petition is filed.**

41 **(c) Section 2 of this 2007 Act applies to persons who pay or receive money or other val-**
42 **uable consideration for obtaining signatures of electors on a state recall petition for which**
43 **a prospective petition is filed on or after the effective date of this 2007 Act.**

44 **(2)(a) Section 3 of this 2007 Act does not apply to a state initiative or referendum petition**
45 **or to persons obtaining signatures on a state initiative or referendum petition that, if filed**

1 with the required number of signatures of electors, will be submitted to the people at the
2 general election held on the first Tuesday after the first Monday in November 2008.

3 (b) Section 3 of this 2007 Act applies to a state initiative or referendum petition and to
4 persons obtaining signatures on a state initiative or referendum petition that, if filed with
5 the required number of signatures of electors, will be submitted to the people at a general
6 election occurring after the first Tuesday after the first Monday in November 2008, regard-
7 less of when the prospective petition for the initiative or referendum petition is filed.

8 (c) Section 3 of this 2007 Act applies to a state recall petition and to persons obtaining
9 signatures on a state recall petition for which a prospective petition is filed on or after the
10 effective date of this 2007 Act.

11 **SECTION 32.** (1) Section 5 of this 2007 Act applies to:

12 (a) Initiative and referendum petitions for which a prospective petition is filed on or after
13 the effective date of this 2007 Act; and

14 (b) Initiative and referendum petitions for which a prospective petition is filed prior to
15 the effective date of this 2007 Act and that, if filed with the required number of signatures
16 of electors, will be submitted to the people at an election held on or after the effective date
17 of this 2007 Act. A chief petitioner of a petition described in this paragraph shall maintain
18 accounts under section 5 of this 2007 Act for activities that occur on or after the effective
19 date of this 2007 Act.

20 (2) Section 6 of this 2007 Act applies to initiative and referendum petitions for which a
21 prospective petition is filed prior to, on or after the effective date of this 2007 Act.

22 (3) Section 7 of this 2007 Act applies to unreported violations of section 1b, Article IV of
23 the Oregon Constitution that occur on or after the effective date of this 2007 Act.

24 **SECTION 33.** The amendments to ORS 250.045, 250.065, 250.067 and 250.105 by sections 8
25 to 11 of this 2007 Act:

26 (1) Do not apply to a state initiative or referendum petition that, if filed with the required
27 number of signatures of electors, will be submitted to the people at the general election held
28 on the first Tuesday after the first Monday in November 2008.

29 (2) Apply to a state initiative or referendum petition for which a prospective petition is
30 filed on or after January 1, 2008, and that, if filed with the required number of signatures
31 of electors, will be submitted to the people at a general election occurring after the first
32 Tuesday after the first Monday in November 2008.

33 **SECTION 34.** (1) The amendments to ORS 260.057 (6) and 260.255 by sections 12 and 29
34 of this 2007 Act apply to data filed electronically prior to, on or after January 1, 2008.

35 (2) The amendments to ORS 260.005, 260.045, 260.118 and 260.215 by sections 13 to 15 and
36 28 of this 2007 Act apply to initiative, referendum and recall petitions for which a prospective
37 petition is filed prior to, on or after January 1, 2008.

38 (3) A chief petitioner required to appoint a treasurer under ORS 260.118, as amended by
39 section 13 of this 2007 Act, shall appoint the treasurer not later than January 31, 2008.

40 **SECTION 35.** (1) Except as provided in subsections (2) and (3) of this section, a treasurer
41 of an initiative, referendum or recall petition shall file a first statement of contributions
42 received and expenditures made under ORS 260.057 and 260.118, as amended by sections 12
43 and 13 of this 2007 Act, for contributions received and expenditures made on or after January
44 1, 2008.

45 (2) The first statement of contributions received and expenditures made that is filed by

1 a treasurer of an initiative, referendum or recall petition under ORS 260.057 and 260.118, as
2 amended by sections 12 and 13 of this 2007 Act, on or after January 1, 2008, shall include any
3 contributions received or expenditures made by the treasurer or chief petitioner prior to
4 January 1, 2008, that were not included on a statement filed with a filing officer prior to
5 January 1, 2008.

6 (3) If the last statement of contributions received and expenditures made that is filed by
7 a treasurer of an initiative, referendum or recall petition prior to January 1, 2008, shows an
8 unexpended balance of contributions or an expenditure deficit, the first statement of contri-
9 butions received and expenditures made that is required under ORS 260.057 and 260.118, as
10 amended by sections 12 and 13 of this 2007 Act, shall list a beginning balance in an amount
11 equal to the amount of the unexpended balance of contributions or the amount of the ex-
12 penditure deficit.

13 SECTION 36. The Secretary of State, a county clerk or other elections officer may take
14 any action before January 1, 2008, that is necessary to enable the secretary, clerk or
15 elections officer to exercise, on and after January 1, 2008, all the duties, functions and pow-
16 ers conferred upon the secretary, clerk or elections officer by ORS 260.005, 260.045, 260.057,
17 260.118 and 260.215, as amended by sections 12 to 15 and 28 of this 2007 Act.

18 SECTION 37. The amendments to ORS 260.005, 260.045, 260.057, 260.118 and 260.215 by
19 sections 12 to 15 and 28 of this 2007 Act become operative on January 1, 2008.

20 SECTION 38. The amendments to ORS 198.430, 198.750, 221.031, 248.008, 249.061, 249.740,
21 249.865, 250.165, 250.265, 255.135, 261.115 and 545.025 by sections 16 to 27 of this 2007 Act apply
22 to certificates and petitions for which the gathering of signatures begins on or after the ef-
23 fective date of this 2007 Act, regardless of when a prospective petition was filed.

24 SECTION 39. This 2007 Act being necessary for the immediate preservation of the public
25 peace, health and safety, an emergency is declared to exist, and this 2007 Act takes effect
26 on its passage.

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