

B-Engrossed House Bill 2082

Ordered by the Senate June 20
Including House Amendments dated April 11 and Senate Amendments
dated June 20

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.

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.

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.

Prohibits person other than person who signed signature sheet of initiative, referendum, recall or candidate nominating petition or certificate of nomination from writing, altering, correcting, clarifying or obscuring information on signature sheet about person who signed. Creates exceptions.

Increases number of signatures required to sponsor prospective petition for state measure to be initiated. **Prohibits signatures on signature sheet that are not lawfully certified by circulator from being counted for purposes of determining whether petition contains required number of signatures.** 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**

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 **(b) Completes the training program prescribed by rule of the secretary.**
- 2 **(2) A person may apply to the secretary for a registration required under subsection (1)**
3 **of this section. The application shall include:**
- 4 **(a) The full name and any assumed name of the applicant;**
5 **(b) The residential street address of the applicant;**
6 **(c) An example of the signature of the applicant;**
7 **(d) A list of the initiative, referendum and recall petitions on which the applicant will**
8 **gather signatures;**
- 9 **(e) If the applicant has been convicted for a criminal offense involving fraud, forgery or**
10 **identification theft, information relating to the circumstances of the conviction as required**
11 **by the secretary;**
- 12 **(f) A statement signed by the applicant acknowledging that the applicant has read and**
13 **understands Oregon law applicable to the gathering of signatures on state initiative, refer-**
14 **endum and recall petitions, as the law is summarized in the training program established by**
15 **the Secretary of State;**
- 16 **(g) Evidence indicating that the applicant has completed the training required by the**
17 **secretary by rule;**
- 18 **(h) A photograph of the applicant; and**
- 19 **(i) A statement signed by a chief petitioner of each petition upon which the applicant will**
20 **gather signatures acknowledging that the chief petitioner is liable for violations of law or**
21 **rule committed by the person obtaining signatures as provided in ORS 260.561.**
- 22 **(3) If an applicant complies with subsection (2) of this section, not later than two busi-**
23 **ness days after the applicant applies, the secretary shall register the applicant and assign**
24 **the applicant a registration number.**
- 25 **(4) A person who has been convicted for a criminal offense involving fraud, forgery or**
26 **identification theft in any state during the five-year period prior to the date of the applica-**
27 **tion may not apply for registration under this section.**
- 28 **(5) If a person receives money or other valuable consideration for obtaining signatures**
29 **of electors on a state initiative, referendum or recall petition and the person was not regis-**
30 **tered as required under this section at the time the signatures were obtained, the secretary**
31 **may not count the signatures under ORS 250.105 or ORS chapter 249 for purposes of deter-**
32 **mining whether the petition contains the required number of signatures of electors.**
- 33 **(6) A person registered under this section shall carry evidence of registration with the**
34 **person while the person is obtaining signatures on a state initiative, referendum or recall**
35 **petition. The evidence of registration shall contain the photograph and registration number**
36 **of the person. The secretary by rule shall designate the form of the evidence of registration.**
- 37 **(7) A photograph of an applicant submitted under subsection (2) of this section shall:**
- 38 **(a) Be a conventional photograph with a plain background;**
39 **(b) Show the face or the face, neck and shoulders of the applicant; and**
40 **(c) Be prepared and processed for printing as prescribed by the secretary.**
- 41 **(8) The secretary shall adopt rules necessary to implement this section, including rules:**
- 42 **(a) Establishing procedures for registering persons who may be paid money or other**
43 **valuable consideration for obtaining signatures of electors on state initiative, referendum or**
44 **recall petitions; and**
- 45 **(b) Establishing a training program for persons who may be paid money or other valuable**

1 consideration for obtaining signatures of electors on state initiative, referendum or recall
2 petitions.

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

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

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

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

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

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

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

33 (6) In addition to the templates prepared under subsections (1) to (5) of this section, for
34 each state initiative, referendum or recall petition, the secretary shall prepare an official
35 electronic template of a signature sheet for the petition. A template prepared under this
36 subsection shall allow space for the signature of one elector. An elector may print a copy
37 of the electronic signature sheet for a petition, sign the sheet and deliver the signed sheet
38 to a chief petitioner or an agent designated by a chief petitioner. Electronic templates de-
39 scribed in this subsection are subject to the requirements of ORS 250.045, other than ORS
40 250.045 (5), (8) and (9).

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

43 **SECTION 4.** Sections 5 to 7 of this 2007 Act are added to and made a part of ORS chapter
44 260.

45 **SECTION 5.** (1) As used in this section, "accounts" means:

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

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

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

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

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

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

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

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

27 (5) A chief petitioner must preserve the accounts pertaining to an initiative or referen-
28 dum petition for at least two years after the deadline for filing the petition for verification
29 of signatures or at least two years after the date the last statement is filed under ORS
30 260.118, whichever is later.

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

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

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

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

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

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

44 (a) "Contractor" means a person who contracts on predetermined terms with a chief
45 petitioner, or a person acting on behalf of a chief petitioner, of an initiative or referendum

1 petition for the purpose of obtaining signatures on the petition.

2 (b) "Subcontractor" means a person who contracts on predetermined terms with a con-
3 tractor for the purpose of obtaining signatures on an initiative or referendum petition and
4 who has no direct contractual relationship with a chief petitioner or other person acting on
5 behalf of a chief petitioner.

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

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

12 (a) That a potential violation has occurred;

13 (b) The nature of the potential violation; and

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

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

16 **SECTION 7a.** Section 7b of this 2007 Act is added to and made a part of ORS chapter 260.

17 **SECTION 7b.** (1) Except as provided in subsection (2) of this section, a person other than
18 the person who signed the signature sheet of an initiative, referendum, recall or candidate
19 nominating petition or a certificate of nomination may not write, alter, correct, clarify or
20 obscure on the signature sheet any information about the person who signed the signature
21 sheet.

22 (2) A person other than the person who signed the signature sheet may:

23 (a) Alter, correct, clarify or obscure on the signature sheet any information about the
24 person who signed the signature sheet if the line on which the signature appears is subse-
25 quently initialed by the person who signed the signature sheet; or

26 (b) Write, alter, correct, clarify or obscure on the signature sheet any information about
27 the person who signed the signature sheet if the person who signed the signature sheet is a
28 person with a disability and requests assistance in writing, altering, correcting, clarifying or
29 obscuring on the signature sheet any information about the person.

30 (3) As used in this section:

31 (a) "Information about the person who signed the signature sheet" means any informa-
32 tion regarding the person who signed the signature sheet of an initiative, referendum, recall
33 or candidate nominating petition or a certificate of nomination, in addition to the signature
34 of the person, that is required or requested to be supplied on a signature sheet of an initi-
35 ative, referendum, recall or candidate nominating petition or a certificate of nomination.

36 (b) "The person who signed the signature sheet" means the person whose signature will
37 be submitted for verification under ORS chapter 249 or ORS 250.105, 250.215, 250.315 or
38 255.175 for the purpose of determining whether the petition or certificate contains the re-
39 quired number of signatures of electors.

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

41 250.045. (1) Before circulating a petition to initiate or refer a state measure under section 1,
42 Article IV, Oregon Constitution, the petitioner shall file with the Secretary of State a prospective
43 petition. The prospective petition for a state measure to be initiated shall contain a statement of
44 sponsorship signed by at least [25] 1,000 electors. The statement of sponsorship shall be attached to
45 a full and correct copy of the measure to be initiated.

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

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

11 [(2)] (4) The chief petitioner may amend the *[proposed initiated measure]* **state measure to be**
12 **initiated that has been** filed with the secretary *[of State]* without filing another prospective peti-
13 tion, if:

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

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

17 [(3)] (5) The cover of an initiative or referendum petition shall designate the name and residence
18 address of not more than three persons as chief petitioners and shall contain instructions for per-
19 sons obtaining signatures of electors on the petition. The instructions shall be adopted by the sec-
20 retary *[of State]* by rule. The cover of a referendum petition shall contain the final measure
21 summary described in ORS 250.065 (1). If a petition seeking a different ballot title is not filed with
22 the Supreme Court by the deadline for filing a petition under ORS 250.085, the cover of an initiative
23 petition shall contain the ballot title described in ORS 250.067 (2). However, if the Supreme Court
24 has reviewed the ballot title, the cover of the initiative petition shall contain the title certified by
25 the court.

26 [(4)] (6) The chief petitioners shall include with the prospective petition a statement declaring
27 whether one or more persons will be paid money or other valuable consideration for obtaining sig-
28 natures of electors on the initiative or referendum petition. After the prospective petition is filed,
29 the chief petitioners shall notify the filing officer not later than the 10th day after any of the chief
30 petitioners first has knowledge or should have had knowledge that:

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

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

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

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

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

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

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

1 same period.

2 [(6)] (8) The reverse side of the cover of an initiative or referendum petition shall be used for
3 obtaining signatures on [an] **the** initiative or referendum petition.

4 [(7)] (9) Not more than 20 signatures on the signature sheet of the initiative or referendum pe-
5 tition [shall] **may** be counted. The circulator shall certify on each signature sheet of the initiative
6 or referendum petition that [*the individuals signed the sheet in the presence of the circulator and that*
7 *the circulator believes each individual is an elector*] **the circulator:**

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

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

11 [(8)] (10) The person obtaining signatures on the petition shall carry at least one full and correct
12 copy of the measure to be initiated or referred and shall allow any person to review a copy upon
13 request of the person.

14 **SECTION 8a. Section 8b of this 2007 Act is added to and made a part of ORS chapter 250.**

15 **SECTION 8b. If a signature sheet of a petition is not certified by the circulator as re-**
16 **quired under ORS 198.430, 198.750, 221.031, 248.008, 249.061, 249.740, 249.865, 250.045, 250.165,**
17 **250.265, 255.135, 261.115 and 545.025, signatures contained on the signature sheet may not be**
18 **counted for purposes of determining whether the petition contains the required number of**
19 **signatures of electors.**

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

21 250.065. (1) When a prospective petition for a state measure to be referred is filed with the
22 Secretary of State, the secretary shall authorize the circulation of the petition using the final
23 measure summary of the latest version of the printed, engrossed measure in lieu of the ballot title.
24 **On the next business day** after the referendum petition has been filed containing the required
25 number of verified signatures, the Secretary of State [*immediately*] shall send two copies of the
26 prospective petition to the Attorney General.

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

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

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

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

38 250.067. (1) The Secretary of State, upon receiving a draft ballot title from the Attorney General
39 under ORS 250.065 or 250.075, shall provide reasonable statewide notice of having received the draft
40 ballot title and of the public's right to submit written comments as provided in this section. Written
41 comments concerning a draft ballot title [shall] **may** be submitted to the Secretary of State not later
42 than the 10th business day after the Secretary of State receives the draft title from the Attorney
43 General. On the next business day after the deadline for submitting comments to the Secretary of
44 State, the secretary shall send a copy of all written comments to the Attorney General. The secre-
45 tary shall maintain a record of written comments received.

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

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

11 (4) If a petition [*for review of a ballot title*] is filed with the Supreme Court as provided in ORS
12 250.085, the Secretary of State shall file with the Supreme Court a copy of the written comments
13 received as part of the record on review of the ballot title.

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

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

17 250.105. (1)(a) An initiative or referendum petition relating to a state measure [*shall*] **must** be
18 filed with the Secretary of State for the purpose of verifying whether the petition contains the re-
19 quired number of signatures of electors.

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

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

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

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

31 (2) **The secretary may not accept** an initiative or referendum petition relating to a state
32 measure [*shall not be accepted*] for filing if [*it*] **the petition** contains less than 100 percent of the
33 required number of signatures.

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

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

45 (5) For purposes of estimating the number of duplicate signatures contained in a petition, the

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

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

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

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

14 260.057. (1) The Secretary of State by rule shall adopt an electronic filing system to be used
15 by:

16 (a) All candidates and political committees to file with the secretary statements of contributions
17 received and expenditures made by the candidates and political committees, as described in ORS
18 260.083; **and**

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

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

30 (b) For any special election, the secretary by rule may establish a period during which a can-
31 didate for nomination or election at the special election or a political committee supporting or op-
32 posing a candidate or measure at the special election must file a statement described in subsection
33 (1) of this section not later than seven calendar days after a contribution is received or an expend-
34 iture is made.

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

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

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

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

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

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

12 (6)(a) **Except as provided in paragraph (b) of this subsection**, the secretary shall make all
13 data filed electronically under this section and all information filed with the secretary under ORS
14 260.044, 260.045, 260.049, 260.085, 260.102 or 260.118 available on the Internet to the public free of
15 charge according to a schedule adopted by the secretary by rule. The secretary shall make the data
16 available in a searchable database that is easily accessible by the public.

17 **(b) The secretary may not make data that are filed electronically under this section or**
18 **ORS 260.118 available to the public under this section, unless the data are required to be**
19 **listed under ORS 260.083. The secretary may not disclose under ORS 192.410 to 192.505 any**
20 **data that are filed electronically under this section or ORS 260.118, unless the data are re-**
21 **quired to be listed under ORS 260.083.**

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

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

26 (a) Candidates for federal office;

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

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

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

31 260.118. (1) *[As provided in subsection (2) of this section, The chief petitioners of a statewide ini-*
32 *tiative or referendum petition or any recall petition shall:]*

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

37 *[(b)]* **(2) The treasurer or a chief petitioner shall file a statement of organization with the**
38 **appropriate filing officer. The treasurer or a chief petitioner shall file the statement not later**
39 **than the third business day after the chief petitioners receive a contribution or make an**
40 **expenditure relating to the initiative, referendum or recall petition.** The statement shall in-
41 clude:

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

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

45 *[(C)]* **(c)** A designation of the *[statewide]* initiative, *[or]* referendum *[petition]* or *[the]* recall peti-

1 tion. The designation of the recall petition shall include the name of the officer whose recall is de-
2 manded.

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

6 (3) *[Any]* **If there is a** change in the information submitted in a statement of organization under
7 subsection *[(1)]* **(2)** of this section, **the treasurer or a chief petitioner** shall *[be indicated in]* **file**
8 an amended *[certification or an amended]* statement of organization *[filed]* not later than the 10th day
9 after the change in information.

10 *[(4) For each statewide initiative petition, the treasurer appointed under subsection (1) of this sec-
11 tion shall file with the Secretary of State a statement described in subsection (7) of this section for each
12 period described in this subsection. A statement shall be filed under this subsection beginning with the
13 period during which the aggregate amount of contributions received or expenditures made exceeds
14 \$2,000. The following statements shall be filed:]*

15 *[(a) A statement of contributions received and expenditures made filed not later than September 10
16 of an odd-numbered year. The accounting period for the statement required under this paragraph be-
17 gins on the date the treasurer is appointed under subsection (1) of this section and ends on September
18 1.]*

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

23 *[(c) A statement of contributions received and expenditures made filed not later than the 12th day
24 before the date of the primary election. The accounting period for the statement required under this
25 paragraph begins on the date the treasurer is appointed under subsection (1) of this section or on the
26 day following the last day of the accounting period for the previous statement filed and ends on the
27 16th day before the date of the primary election.]*

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

33 **(4) The treasurer of an initiative, referendum or recall petition shall use the electronic**
34 **filing system adopted under ORS 260.057 to file with the Secretary of State statements of**
35 **contributions received and expenditures made by the treasurer, as described in ORS 260.083.**

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

40 **(a) During the period beginning on the 42nd calendar day before the date that is four**
41 **months before a general election and ending on the date that is four months before a general**
42 **election; and**

43 **(b) During the period beginning on the 42nd calendar day before the date of any primary**
44 **election and ending on the date of the primary election and the period beginning on the 42nd**
45 **calendar day before the date of any general election and ending on the date of the general**

1 election.

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

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

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

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

16 (8) If a treasurer of an initiative petition receives a contribution or makes an expenditure
17 prior to the 42nd calendar day before the date that is four months before a general election,
18 or the 42nd day before the date of the primary election or general election, and the treasurer
19 has not filed a statement of the contribution or expenditure under subsection (4) of this
20 section by the 43rd calendar day before the date that is four months before a general
21 election, or the 43rd day before the date of the primary election or general election, the
22 treasurer shall file a statement described in subsection (4) of this section not later than the
23 35th calendar day before the date that is four months before a general election, or the 35th
24 day before the date of the primary election or general election.

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

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

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

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

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

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

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

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

44 [(c) For a recall petition, the accounting period for the statement required by subsection (5) of this
45 section begins on the day after the date on which the statement of contributions received and expen-

1 *ditures made required under ORS 249.865 is filed. The accounting period ends on the deadline for*
2 *submitting signatures for verification.]*

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

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

11 *[(b) If a statement filed under this section for a statewide initiative or referendum petition or any*
12 *recall petition that did not qualify for the ballot shows an unexpended balance of contributions or an*
13 *expenditure deficit, and the chief petitioner's committee intends to support or oppose a measure that is*
14 *on the subsequent general election ballot, the treasurer appointed under subsection (1) of this section*
15 *need not file a supplemental statement in that year, but shall file the statements required under ORS*
16 *260.057.]*

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

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

23 (11) As used in this section, "contribution" and "expenditure" include a contribution or ex-
24 penditure to or on behalf of an initiative, referendum or recall petition.

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

27 260.045. (1) If a candidate or treasurer receives a contribution of more than \$100 from a political
28 committee not in this state, the candidate or treasurer shall file the following if required under
29 subsection (2) of this section:

30 (a) A written statement of the name, occupation and address of each person, or the name, ad-
31 dress and primary nature of each political committee, who contributed more than \$100 of the con-
32 tribution. The statement shall be certified as true by an officer of the contributing political
33 committee. As used in this paragraph, "address" includes street number and name, rural route
34 number or post-office box, and city and state; or

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

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

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

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

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

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

6 260.215. (1) For statements filed during each calendar year, each filing officer shall examine each
7 statement filed with the filing officer under ORS 260.044 (1), 260.057, 260.083, 260.102, [or] 260.112
8 or **260.118** (4) to determine whether the statement is sufficient. The filing officer shall examine
9 statements under this section not later than 90 days after the end of each calendar quarter for
10 statements filed during the previous calendar quarter.

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

13 [(3)] (2) The filing officer [*under subsections (1) and (2) of this section*] may require any person
14 to answer in writing and upon oath or affirmation before a judge, justice of the peace, county clerk
15 or notary public any question within the knowledge of that person concerning the source of any
16 contribution. The filing officer shall advise the person of the penalty for failure to answer.

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

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

23 (c) As used in this subsection, “state office” does not include the office of judge or district at-
24 torney.

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

26 250.165. (1) Before circulating a petition to initiate or refer a county measure, the petitioner
27 shall file with the county clerk a prospective petition. The county clerk immediately shall date and
28 time stamp the prospective petition, and specify the form on which the petition shall be printed for
29 circulation. The clerk shall retain the prospective petition.

30 (2) The cover of an initiative or referendum petition shall designate the name and residence
31 address of not more than three persons as chief petitioners and shall contain instructions for per-
32 sons obtaining signatures of electors on the petition. The instructions shall be adopted by the Sec-
33 retary of State by rule. The cover of a referendum petition shall contain the title described in ORS
34 250.175 (1). If the circuit court has not reviewed the ballot title under ORS 250.195, the cover of an
35 initiative petition shall contain the ballot title described in ORS 250.175 (3). If the circuit court has
36 reviewed the ballot title, the cover of the initiative petition shall contain the title certified by the
37 court.

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

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

45 (b) No person is being paid for obtaining signatures, when the statement included with the pro-

1 prospective petition declared that one or more such persons would be paid.

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

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

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

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

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

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

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

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

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

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

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

31 250.265. (1) Before circulating a petition to initiate or refer a city measure, the petitioner shall
32 file with the city elections officer a prospective petition. The officer immediately shall date and time
33 stamp the prospective petition, and specify the form on which the petition shall be printed for cir-
34 culation. The officer shall retain the prospective petition.

35 (2) The cover of an initiative or referendum petition shall designate the name and residence
36 address of not more than three persons as chief petitioners and shall contain instructions for per-
37 sons obtaining signatures of electors on the petition. The instructions shall be adopted by the Sec-
38 retary of State by rule. The cover of a referendum petition shall contain the title described in ORS
39 250.275 (1). If the circuit court has not reviewed the ballot title under ORS 250.296, the cover of an
40 initiative petition shall contain the ballot title described in ORS 250.275 (3). If the circuit court has
41 reviewed the ballot title, the cover of the initiative petition shall contain the title certified by the
42 court.

43 (3) The chief petitioners shall include with the prospective petition a statement declaring
44 whether one or more persons will be paid money or other valuable consideration for obtaining sig-
45 natures of electors on the initiative or referendum petition. After the prospective petition is filed,

1 the chief petitioners shall notify the filing officer not later than the 10th day after any of the chief
2 petitioners first has knowledge or should have had knowledge that:

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

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

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

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

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

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

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

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

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

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

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

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

33 (9) A city elections officer shall not accept for filing any petition which has not met the pro-
34 visions of subsection (7) of this section.

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

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

39 255.135. (1) Before circulating a petition to initiate or refer a district measure, the petitioner
40 shall file with the elections officer a prospective petition. The elections officer immediately shall
41 date and time stamp the prospective petition, and specify the form on which the petition shall be
42 printed for circulation. The officer shall retain the prospective petition.

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

1 retary of State by rule. The cover of a referendum petition shall contain the title described in ORS
2 255.145 (1). If the circuit court has not reviewed the ballot title under ORS 255.155, the cover of an
3 initiative petition shall contain the ballot title described in ORS 255.145 (3). If the circuit court has
4 reviewed the ballot title, the cover of the initiative petition shall contain the title certified by the
5 court.

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

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

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

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

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

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

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

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

33 (a) Shall file annually with the elections officer a statement that the initiative petition is still
34 active; and

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

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

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

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

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

2 198.430. (1) **Before circulating** a petition for recall of a district officer of a district other than
3 a district defined in ORS 255.012, **the petitioner shall file the petition** [*shall be filed*] with the of-
4 ficer with whom a petition for nomination to such office should be filed. Except as provided in this
5 subsection, if there is no such officer or if the officer is the district officer against whom the petition
6 is being filed, the petition shall be filed with the county clerk of the county in which the adminis-
7 trative office of the district is located. In the case of an irrigation district organized under ORS
8 chapter 545, if there is no such officer or if the officer is the district officer against whom the pe-
9 tition is being filed, the petition shall be filed with the board of directors of the irrigation district.

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

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

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

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

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

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

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

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

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

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

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

2 198.750. (1) If a proposal for formation or change of organization of a district is made by peti-
3 tion, the petition shall:

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

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

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

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

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

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

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

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

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

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

24 (2) If the petition proposes formation of a district, the petition shall set forth a description of
25 the boundaries of the territory proposed to be included in the district. If the petition proposes
26 annexation or withdrawal of territory, the petition shall set forth a description of the boundaries
27 of the territory to be annexed or withdrawn.

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

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

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

35 221.031. (1) Before circulating a petition to incorporate unincorporated territory as a city, the
36 petitioners shall file with the county clerk of the county in which the proposed city lies or, should
37 it lie in more than one county, to the county clerk of the county in which the largest part of its
38 territory lies, a petition for incorporation in a form prescribed by rule of the Secretary of State. If
39 the economic feasibility statement required by ORS 221.035 is submitted with the petition, the
40 county clerk shall immediately date and time stamp the prospective petition and shall authorize the
41 circulation of the petition. The county clerk shall retain the prospective petition and economic fea-
42 sibility statement and shall immediately send two copies of the prospective petition to the appro-
43 priate county court.

44 (2) A petition for incorporation filed with the county clerk under subsection (1) of this section
45 shall designate the name and residence address of not more than three persons as chief petitioners,

1 who shall be electors registered within the boundaries of the proposed city. The petition shall con-
 2 tain the name of the proposed city. The petition shall also include a proposed permanent rate limit
 3 for operating taxes that would generate operating tax revenues sufficient to support an adequate
 4 level of municipal services. The tax rate limit shall be expressed in dollars per thousand dollars of
 5 assessed value. The tax rate limit shall be calculated for the latest tax year for which the assessed
 6 value of the proposed city is available. There shall be attached to the cover sheet of the petition a
 7 map indicating the exterior boundaries of the proposed city. The map shall not exceed 14 inches by
 8 17 inches in size and shall be used in lieu of a metes and bounds or legal description of the proposed
 9 city. If the territory proposed to be incorporated is within the jurisdiction of a local government
 10 boundary commission, the petition shall be accompanied by the economic feasibility analysis re-
 11 quired under ORS 199.476 (1). Notwithstanding subsection (1) of this section, unless the economic
 12 feasibility analysis is approved by the local government boundary commission as provided in ORS
 13 199.522, the county clerk shall not authorize the circulation of the petition.

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

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

26 248.008. (1) An affiliation of electors becomes a minor political party in the state, a county or
 27 other electoral district, qualified to make nominations for public office in that electoral district and
 28 in any other electoral district wholly contained within the electoral district, when either of the
 29 following events occurs:

30 (a) When the affiliation of electors has filed with the Secretary of State a petition with the
 31 signatures of at least a number of electors equal to one and one-half percent of the total votes cast
 32 in the electoral district for all candidates for Governor at the most recent election at which a can-
 33 didate for Governor was elected to a full term. The petition also shall state the intention to form
 34 a new political party and give the designation of it. The filed petition shall contain only original
 35 signatures. The petition shall be filed not later than two years following the date the prospective
 36 petition is filed. The circulator shall certify on each signature sheet that [*the individuals signed the*
 37 *sheet in the presence of*] the circulator **witnessed the signing of the signature sheet by each in-**
 38 **dividual whose signature appears on the signature sheet** and that the circulator believes each
 39 individual is an elector registered in the electoral district. The Secretary of State shall verify
 40 whether the petition contains the required number of signatures of electors. The petition shall not
 41 be accepted for filing if it contains less than 100 percent of the required number of signatures. The
 42 Secretary of State by rule shall designate a statistical sampling technique to verify whether a peti-
 43 tion contains the required number of signatures of electors. A petition shall not be rejected for the
 44 reason that it contains less than the required number of signatures unless two separate sampling
 45 processes both establish that the petition lacks the required number of signatures. The second

1 sampling must contain a larger number of signatures than the first sampling. The Secretary of State
2 may employ professional assistance to determine the sampling technique. The statistical sampling
3 technique may be the same as that adopted under ORS 250.105. Before circulating the petition, the
4 chief sponsor of the petition shall file with the Secretary of State a signed copy of the prospective
5 petition. The chief sponsor shall include with the prospective petition a statement declaring whether
6 one or more persons will be paid money or other valuable consideration for obtaining signatures of
7 electors on the petition. After the prospective petition is filed, the chief sponsor shall notify the
8 filing officer not later than the 10th day after the chief sponsor first has knowledge or should have
9 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
13 prospective petition declared that one or more such persons would be paid.

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

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

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

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

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

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

33 (a) A candidate or candidates of the party must poll a number of votes described in subsection
34 (1)(b) of this section at each subsequent general election and following each general election, the
35 registration requirement of subsection (2) of this section must be satisfied; or

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

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

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

45 (b) Except as provided in subsection (4)(b) of this section, in the case of a minor political party

1 qualified to nominate candidates, a candidate or candidates of the minor political party do not sat-
2 isfy the one percent requirement specified in subsection (1)(b) of this section at the next general
3 election. The affiliation of electors ceases to be a minor political party on the date of the election.

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

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

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

14 249.061. (1) [No] **A** petition for nomination [*shall*] **may not** contain the name of more than one
15 candidate.

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

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

23 (a) Any person is being paid for obtaining signatures, when the statement included with the
24 nominating 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
26 nominating petition declared that one or more such persons would be paid.

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

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

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

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

34 249.740. (1) A certificate of nomination made by individual electors shall contain a number of
35 signatures of electors in the electoral district equal to not less than one percent of the total votes
36 cast in the electoral district for which the nomination is intended to be made, for all candidates for
37 presidential electors at the last general election.

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

42 (3) Before beginning to circulate the certificate of nomination, the chief sponsor of the certif-
43 icate shall file a signed copy of the prospective certificate with the filing officer referred to in ORS
44 249.722. The chief sponsor of the certificate shall include with the prospective certificate a state-
45 ment declaring whether one or more persons will be paid money or other valuable consideration for

1 obtaining signatures of electors on the certificate. After the prospective certificate is filed, the chief
2 sponsor shall notify the filing officer not later than the 10th day after the chief sponsor first has
3 knowledge or should have had knowledge that:

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

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

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

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

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

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

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

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

20 249.865. (1) Pursuant to section 18, Article II of the Oregon Constitution, an elector of the
21 electoral district from which the public officer is elected may file a petition demanding the recall
22 of the public officer. Before the petition is circulated for signatures, the chief petitioner of the pe-
23 tition shall file with the officer authorized to order the recall election:

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

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

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

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

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

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

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

39 (a) The words “Petition for recall of,” (name and title of officer) and the date of the filing under
40 subsection (1) of this section; and

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

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

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

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

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

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

8 261.115. (1) All electors' petitions shall contain a statement as to whether or not the petitioners
9 are desirous of forming a utility district, or to annex territory to an existing utility district, or to
10 consolidate two or more existing utility districts, the description of the territory sought to be in-
11 cluded therein and the name by which the utility district is to be known. The statement shall be
12 printed on a separate page or pages.

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

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

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

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

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

26 545.025. (1) When owners of land that is irrigated or susceptible to irrigation desire to provide
27 for the construction of works for irrigation of their land, to provide for the reconstruction,
28 betterment, extension, purchase, operation or maintenance of works already constructed, or to pro-
29 vide for the assumption of indebtedness to the United States incurred under the federal reclamation
30 laws on account of their lands, they may propose the organization of an irrigation district under the
31 Irrigation District Law by signing a petition and filing it with the county court of the principal
32 county, as defined in ORS 198.705. The petition must be signed by a majority of the owners of land
33 or 50 owners of land within the exterior boundaries of the proposed district.

34 (2) The petition shall set forth:

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

37 (b) The name of the proposed district;

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

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

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

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

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

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

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

- 15 (a) The purpose for which the district is to be formed.
- 16 (b) The name and boundaries of the proposed district.
- 17 (c) The time and place for the hearing on the petition.
- 18 (d) That all interested persons may appear and be heard.

19 (7) If the petition is signed by all of the owners of all of the lands that are included within the
20 proposed district and that will be subject to the charges and assessments of the proposed district,
21 publication of the notice of the hearing on the petition is not required. A petition signed by all of
22 the owners of all of the lands that are included within the proposed district and that will be subject
23 to the charges and assessments of the proposed district may also contain the names of persons de-
24 sired as the members of the first board of directors of the proposed district, the initial term of office
25 of each director and a written statement from each of those persons in which the person agrees to
26 serve as a director of the proposed district.

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

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

32 260.005. As used in this chapter:

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

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

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

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

1 (b) For purposes of this section and ORS 260.035 to 260.159, “candidate” does not include a
2 candidate for the office of precinct committeeperson.

3 (2) “Committee director” means any person who directly and substantially participates in
4 decision-making on behalf of a political committee concerning the solicitation or expenditure of
5 funds and the support of or opposition to candidates or measures. The officers of a political party
6 shall be considered the directors of any political party committee of that party, unless otherwise
7 provided in the party’s bylaws.

8 (3)(a) Except as provided in ORS 260.007, “contribute” or “contribution” includes:

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

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

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

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

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

20 (4)(a) “Controlled committee” means a political committee that, in connection with the making
21 of contributions or expenditures:

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

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

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

25 (A) The candidate, the candidate’s agent, a member of the candidate’s immediate family or any
26 other political committee that the candidate controls has a significant influence on the actions or
27 decisions of the political committee; or

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

30 (5) “County clerk” means the county clerk or the county official in charge of elections.

31 (6) “Elector” means an individual qualified to vote under section 2, Article II of the Oregon
32 Constitution.

33 (7) Except as provided in ORS 260.007, “expend” or “expenditure” includes the payment or fur-
34 nishing of money or anything of value or the incurring or repayment of indebtedness or obligation
35 by or on behalf of a candidate, political committee or person in consideration for any services,
36 supplies, equipment or other thing of value performed or furnished for any reason, including support
37 of or opposition to a candidate, political committee or measure, or for reducing the debt of a can-
38 didate for nomination or election to public office. “Expenditure” also includes contributions made
39 by a candidate or political committee to or on behalf of any other candidate or political committee.

40 (8) “Filing officer” means:

41 (a) The Secretary of State:

42 (A) Regarding a candidate for public office;

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

- 1 (C) Regarding any measure; or
- 2 (D) Regarding any political committee.
- 3 [(b) *The county clerk, regarding a statement required to be filed under ORS 260.118 by:*]
- 4 [(A) *The chief petitioners of a county initiative or referendum petition;*]
- 5 [(B) *The chief petitioners of a district initiative or referendum petition where the district is situated*
- 6 *wholly within one county; or*]
- 7 [(C) *The chief petitioners of a recall petition relating to a county public office holder or a district*
- 8 *public office holder where the district is situated wholly within one county.*]
- 9 [(c) *The chief city elections officer, regarding a statement required to be filed under ORS 260.118*
- 10 *by:*]
- 11 [(A) *The chief petitioners of a city initiative or referendum petition; or*]
- 12 [(B) *The chief petitioners of a recall petition relating to a city public office holder.*]
- 13 [(d) *The county clerk of the county in which the office of the chief administrative officer or ad-*
- 14 *ministrative board is located, when the district is situated in more than one county, regarding a state-*
- 15 *ment required to be filed under ORS 260.118 by:*]
- 16 [(A) *The chief petitioners of a district initiative or referendum petition; or*]
- 17 [(B) *The chief petitioners of a recall petition relating to a district public office holder.*]
- 18 [(e)] **(b)** Notwithstanding [paragraphs (a) to (d)] **paragraph (a)** of this subsection, in the case of
- 19 an irrigation district formed under ORS chapter 545:
- 20 (A) The county clerk, regarding any candidate for office or any measure at an irrigation district
- 21 formation election where the proposed district is situated wholly in one county;
- 22 (B) The county clerk of the county in which the office of the secretary of the proposed irrigation
- 23 district will be located, regarding any candidate for office or any measure at an irrigation district
- 24 formation election where the proposed district is situated in more than one county; or
- 25 (C) The secretary of the irrigation district for any election other than an irrigation district
- 26 formation election.
- 27 (9) “Independent expenditure” means an expenditure by a person for a communication in support
- 28 of or in opposition to a clearly identified candidate or measure that is not made with the cooper-
- 29 ation or with the prior consent of, or in consultation with, or at the request or suggestion of, a
- 30 candidate or any agent or authorized committee of the candidate, or any political committee or
- 31 agent of a political committee supporting or opposing a measure. For purposes of this subsection:
- 32 (a) A communication is “in support of or in opposition to” a candidate or measure if:
- 33 (A) The communication, taken in its context, clearly and unambiguously urges the election or
- 34 defeat of a clearly identified candidate for nomination or election to public office, or the passage
- 35 or defeat of a clearly identified measure;
- 36 (B) The communication, as a whole, seeks action rather than simply conveying information; and
- 37 (C) It is clear what action the communication advocates.
- 38 (b) “Agent” means any person who has:
- 39 (A) Actual oral or written authority, either express or implied, to make or to authorize the
- 40 making of expenditures on behalf of a candidate or on behalf of a political committee supporting or
- 41 opposing a measure; or
- 42 (B) Been placed in a position within the campaign organization where it would reasonably ap-
- 43 pear that in the ordinary course of campaign-related activities the person may authorize expen-
- 44 ditures.
- 45 (c) “Clearly identified” means, with respect to candidates:

- 1 (A) The name of the candidate involved appears;
- 2 (B) A photograph or drawing of the candidate appears; or
- 3 (C) The identity of the candidate is apparent by unambiguous reference.
- 4 (d) “Clearly identified” means, with respect to measures:
- 5 (A) The ballot number of the measure appears;
- 6 (B) A description of the measure’s subject or effect appears; or
- 7 (C) The identity of the measure is apparent by unambiguous reference.
- 8 (e) “Made with the cooperation or with the prior consent of, or in consultation with, or at the
- 9 request or suggestion of, a candidate or any agent or authorized committee of the candidate, or any
- 10 political committee or agent of a political committee supporting or opposing a measure”:
- 11 (A) Means any arrangement, coordination or direction by the candidate or the candidate’s agent,
- 12 or by any political committee or agent of a political committee supporting or opposing a measure,
- 13 prior to the publication, distribution, display or broadcast of the communication. An expenditure
- 14 shall be presumed to be so made when it is:
- 15 (i) Based on information about the plans, projects or needs of the candidate, or of the political
- 16 committee supporting or opposing a measure, and provided to the expending person by the candidate
- 17 or by the candidate’s agent, or by any political committee or agent of a political committee sup-
- 18 porting or opposing a measure, with a view toward having an expenditure made; or
- 19 (ii) Made by or through any person who is or has been authorized to raise or expend funds, who
- 20 is or has been an officer of a political committee authorized by the candidate or by a political
- 21 committee or agent of a political committee supporting or opposing a measure, or who is or has been
- 22 receiving any form of compensation or reimbursement from the candidate, the candidate’s principal
- 23 campaign committee or agent or from any political committee or agent of a political committee
- 24 supporting or opposing a measure; and
- 25 (B) Does not include providing to the expending person upon request a copy of this chapter or
- 26 any rules adopted by the Secretary of State relating to independent expenditures.
- 27 (10) “Initiative petition” means a petition to initiate a measure for which a prospective petition
- 28 has been filed but that is not yet a measure.
- 29 (11) “Judge” means judge of the Supreme Court, Court of Appeals, circuit court or the Oregon
- 30 Tax Court.
- 31 (12) “Mass mailing” means more than 200 substantially similar pieces of mail, but does not in-
- 32 clude a form letter or other mail that is sent in response to an unsolicited request, letter or other
- 33 inquiry.
- 34 (13) “Measure” includes any of the following submitted to the people for their approval or re-
- 35 jection at an election:
- 36 (a) A proposed law.
- 37 (b) An Act or part of an Act of the Legislative Assembly.
- 38 (c) A revision of or amendment to the Oregon Constitution.
- 39 (d) Local, special or municipal legislation.
- 40 (e) A proposition or question.
- 41 (14) “Occupation” means:
- 42 (a) The nature of an individual’s principal business; and
- 43 (b) If the individual is employed by another person, the business name and address, by city and
- 44 state, of the employer.
- 45 (15) “Person” means an individual, corporation, limited liability company, labor organization,

1 association, firm, partnership, joint stock company, club, organization or other combination of indi-
2 viduals having collective capacity.

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

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

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

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

10 (A) A contribution to a candidate or political committee that is required to report the contri-
11 bution on a statement filed under ORS 260.057, 260.076 or 260.102 or a certificate filed under ORS
12 260.112; or

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

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

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

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

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

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

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

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

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

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

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

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

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

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

41 260.255. (1) Except as provided in subsection (2) of this section, a filing officer shall preserve
42 each statement filed with the officer under ORS 260.057, 260.076, 260.083, 260.102, 260.112 or 260.118,
43 or an accurate copy of it, for at least six calendar years.

44 (2) The Secretary of State shall maintain all data filed electronically under ORS 260.057 on the
45 Internet for at least six calendar years after the date the secretary first makes the data available.

1 After six calendar years, if the data are not maintained on the Internet, the secretary shall archive
2 the data in a secure format so that the data are available to the public. **This subsection does not**
3 **apply to data that may not be made available to the public under ORS 260.057 (6)(b).**

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

5 260.402. (1) A person may not make a contribution in any name other than that of the person
6 who in truth provides the contribution to:

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

9 (b) Any political committee; or

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

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

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

18 **SECTION 31.** (1)(a) **Section 2 of this 2007 Act applies to payment or receipt of money or**
19 **other valuable consideration for signatures of electors on a state initiative or referendum**
20 **petition that are obtained on or after January 1, 2008.**

21 (b) **Section 2 of this 2007 Act applies to payment or receipt of money or other valuable**
22 **consideration for signatures of electors on a state recall petition that are obtained on or**
23 **after January 1, 2008.**

24 (2)(a) **Except as provided in paragraph (b) of this subsection, section 3 of this 2007 Act**
25 **applies to state initiative, referendum and recall petitions on and after January 1, 2008.**

26 (b) **Notwithstanding section 3 (4) and (5) of this 2007 Act, on or before December 1, 2007,**
27 **the Secretary of State shall issue the templates for a state initiative, referendum or recall**
28 **petition that is being circulated on the effective date of this 2007 Act. The secretary may**
29 **adopt rules prescribing a method for submitting and responding to requests for modification**
30 **under section 3 (5) of this 2007 Act for petitions that are being circulated on the effective**
31 **date of this 2007 Act.**

32 (3)(a) **Section 7b of this 2007 Act applies to signature sheets on an initiative or referen-**
33 **dum petition that are signed on or after January 1, 2008.**

34 (b) **Section 7b of this 2007 Act applies to signature sheets on a recall petition for which**
35 **a prospective petition is filed on or after the effective date of this 2007 Act.**

36 (c) **Section 7b of this 2007 Act applies to candidate nominating petitions or certificates**
37 **of nomination circulated on or after the effective date of this 2007 Act.**

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

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

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

1 date of this 2007 Act.

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

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

6 **SECTION 33.** The amendments to ORS 250.045, 250.065, 250.067 and 250.105 by sections 8,
7 9, 10 and 11 of this 2007 Act:

8 (1)(a) Except as provided in paragraph (b) of this subsection, do not apply to a state ini-
9 tiative or referendum petition that is being circulated on the effective date of this 2007 Act
10 and, if filed with the required number of signatures of electors, will be submitted to the
11 people at the general election held on the first Tuesday after the first Monday in November
12 2008.

13 (b) Apply to cover and signature sheets for a state initiative and referendum petition that
14 are circulated or signed on or after January 1, 2008.

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

19 **SECTION 33a.** Signatures on a state initiative or referendum petition that is circulating
20 prior to January 1, 2008, and that, if filed with the required number of signatures of electors,
21 will be submitted to the people at a general election held on the first Tuesday after the first
22 Monday in November 2008, shall be filed with the Secretary of State on or before January 4,
23 2008. Notwithstanding ORS 250.105 (2), the secretary shall accept the signatures. Petitioners
24 may submit additional signatures in accordance with laws in effect on January 1, 2008, after
25 January 4, 2008.

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

28 (2) The amendments to ORS 260.005, 260.045, 260.118 and 260.215 by sections 13 to 15 and
29 28 of this 2007 Act apply to initiative, referendum and recall petitions for which a prospective
30 petition is filed prior to, on or after January 1, 2008.

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

33 **SECTION 35.** (1) Except as provided in subsections (2) and (3) of this section, a treasurer
34 of an initiative, referendum or recall petition shall file a first statement of contributions
35 received and expenditures made under ORS 260.057 and 260.118, as amended by sections 12
36 and 13 of this 2007 Act, for contributions received and expenditures made on or after January
37 1, 2008.

38 (2) The first statement of contributions received and expenditures made that is filed by
39 a treasurer of an initiative, referendum or recall petition under ORS 260.057 and 260.118, as
40 amended by sections 12 and 13 of this 2007 Act, on or after January 1, 2008, shall include any
41 contributions received or expenditures made by the treasurer or chief petitioner prior to
42 January 1, 2008, that were not included on a statement filed with a filing officer prior to
43 January 1, 2008.

44 (3) If the last statement of contributions received and expenditures made that is filed by
45 a treasurer of an initiative, referendum or recall petition prior to January 1, 2008, shows an

1 unexpended balance of contributions or an expenditure deficit, the first statement of contri-
2 butions received and expenditures made that is required under ORS 260.057 and 260.118, as
3 amended by sections 12 and 13 of this 2007 Act, shall list a beginning balance in an amount
4 equal to the amount of the unexpended balance of contributions or the amount of the ex-
5 penditure deficit.

6 SECTION 36. The Secretary of State, a county clerk or other elections officer may take
7 any action before January 1, 2008, that is necessary to enable the secretary, clerk or
8 elections officer to exercise, on and after January 1, 2008, all the duties, functions and pow-
9 ers conferred upon the secretary, clerk or elections officer by ORS 260.005, 260.045, 260.057,
10 260.118 and 260.215, as amended by sections 12 to 15 and 28 of this 2007 Act.

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

13 SECTION 38. Section 8b of this 2007 Act and the amendments to ORS 198.430, 198.750,
14 221.031, 248.008, 249.061, 249.740, 249.865, 250.165, 250.265, 255.135, 261.115 and 545.025 by
15 sections 16 to 27 of this 2007 Act apply to signatures gathered on or after January 1, 2008.

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

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