

HOUSE AMENDMENTS TO HOUSE BILL 2082

By COMMITTEE ON ELECTIONS, ETHICS AND RULES

April 11

1 On page 1 of the printed bill, line 2, after “provisions;” delete the rest of the line and line 3 and
2 insert “amending ORS 198.430, 198.750, 221.031, 248.008, 249.061, 249.740, 249.865, 250.045, 250.065,
3 250.067, 250.105, 250.165, 250.265, 255.135, 260.005, 260.045, 260.057, 260.118, 260.215, 260.255, 260.402,
4 261.115 and 545.025; and declaring an emergency.”.

5 Delete lines 5 through 25 and delete pages 2 through 5 and insert:

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

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

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

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

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

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

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

20 **“(c) An example of the signature of the applicant;**

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

23 **“(e) If the applicant has been convicted for a criminal offense involving fraud, forgery**
24 **or identification theft, information relating to the circumstances of the conviction as re-**
25 **quired by the secretary;**

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

29 **“(g) Evidence indicating that the applicant has completed the training required by the**
30 **secretary by rule;**

31 **“(h) A photograph of the applicant; and**

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

35 **“(3) If an applicant complies with subsection (2) of this section, not later than two busi-**

1 ness days after the applicant applies, the secretary shall register the applicant and assign
2 the applicant a registration number.

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

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

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

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

16 “(a) Be a conventional photograph with a plain background;

17 “(b) Show the face or the face, neck and shoulders of the applicant; and

18 “(c) Be prepared and processed for printing as prescribed by the secretary.

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

20 “(a) Establishing procedures for registering persons who may be paid money or other
21 valuable consideration for obtaining signatures of electors on state initiative, referendum or
22 recall petitions; and

23 “(b) Establishing a training program for persons who may be paid money or other valu-
24 able consideration for obtaining signatures of electors on state initiative, referendum or re-
25 call petitions.

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

33 “(2) A person obtaining signatures on a state initiative, referendum or recall petition
34 may use only the cover and signature sheets contained in the official templates prepared for
35 the petition. A person who is being paid to obtain signatures on the petition shall use the
36 signature sheet template designated for use by persons being paid to obtain signatures. A
37 person who is not being paid to obtain signatures on the petition shall use the signature
38 sheet template designated for use by persons who are not being paid to obtain signatures.

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

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

43 “(a) Three business days after the deadline for filing a petition under ORS 250.085 relating
44 to a ballot title certified by the Attorney General for the state initiative petition or, if a pe-
45 tition is filed with the Supreme Court under ORS 250.085, three business days after the Su-

1 preme Court certifies to the Secretary of State a ballot title for the state initiative petition;
2 or

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

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

11 “(6) In addition to the templates prepared under subsections (1) to (5) of this section, for
12 each state initiative, referendum or recall petition, the secretary shall prepare an official
13 electronic template of a signature sheet for the petition. A template prepared under this
14 subsection shall allow space for the signature of one elector. An elector may print a copy
15 of the electronic signature sheet for a petition, sign the sheet and deliver the signed sheet
16 to a chief petitioner or an agent designated by a chief petitioner. Electronic templates de-
17 scribed in this subsection are subject to the requirements of ORS 250.045, other than ORS
18 250.045 (9).

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

21 “SECTION 4. Sections 5 to 7 of this 2007 Act are added to and made a part of ORS
22 chapter 260.

23 “SECTION 5. (1) As used in this section, ‘accounts’ means:

24 “(a) Any contract entered into by a chief petitioner of an initiative or referendum peti-
25 tion and any person for purposes of obtaining signatures on the petition;

26 “(b) Any employment manual or training materials provided to persons who obtain sig-
27 natures on the petition;

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

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

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

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

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

43 “(4) In addition to the review conducted under subsection (3) of this section, the secre-
44 tary, Attorney General or Commissioner of the Bureau of Labor and Industries may inspect
45 the accounts of a chief petitioner described in subsection (2) of this section under reasonable

1 circumstances at any time before the deadline for filing signatures on the petition or during
2 the period specified for retention of the accounts under subsection (5) of this section. The
3 right of inspection may be enforced by writ of mandamus issued by any court of competent
4 jurisdiction.

5 “(5) A chief petitioner must preserve the accounts pertaining to an initiative or referen-
6 dum petition for at least two years after the deadline for filing the petition for verification
7 of signatures or at least two years after the date the last statement is filed under ORS
8 260.118, whichever is later.

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

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

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

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

17 “SECTION 6. For the purpose of investigating violations of section 1b, Article IV of the
18 Oregon Constitution, the Secretary of State, Attorney General and Commissioner of the
19 Bureau of Labor and Industries may cooperate and share information as considered neces-
20 sary by the secretary, Attorney General or commissioner.

21 “SECTION 7. (1) As used in this section:

22 “(a) ‘Contractor’ means a person who contracts on predetermined terms with a chief
23 petitioner, or a person acting on behalf of a chief petitioner, of an initiative or referendum
24 petition for the purpose of obtaining signatures on the petition.

25 “(b) ‘Subcontractor’ means a person who contracts on predetermined terms with a con-
26 tractor for the purpose of obtaining signatures on an initiative or referendum petition and
27 who has no direct contractual relationship with a chief petitioner or other person acting on
28 behalf of a chief petitioner.

29 “(2) If a contractor has knowledge of an unreported violation of section 1b, Article IV
30 of the Oregon Constitution, by a subcontractor, the violation by the subcontractor is con-
31 clusively considered a violation by the contractor.

32 “(3) A contractor is not liable under subsection (2) of this section if the contractor noti-
33 fies the Secretary of State in writing not later than one business day after the contractor
34 obtains knowledge of an unreported potential violation. The notice shall state:

35 “(a) That a potential violation has occurred;

36 “(b) The nature of the potential violation; and

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

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

39 “SECTION 8. ORS 250.045 is amended to read:

40 “250.045. (1) Before circulating a petition to initiate or refer a state measure under section 1,
41 Article IV, Oregon Constitution, the petitioner shall file with the Secretary of State a prospective
42 petition. The prospective petition for a state measure to be initiated shall contain a statement of
43 sponsorship signed by at least [25] 1,000 electors. The statement of sponsorship shall be attached to
44 a full and correct copy of the measure to be initiated.

45 “(2) *[The signatures in the statement of sponsorship must be accompanied by a certificate of the*

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

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

10 “[2] (4) The chief petitioner may amend the [proposed initiated measure] **state measure to be**
11 **initiated that has been** filed with the secretary [of State] without filing another prospective peti-
12 tion, if:

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

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

16 “[3] (5) The cover of an initiative or referendum petition shall designate the name and resi-
17 dence address of not more than three persons as chief petitioners and shall contain instructions for
18 persons obtaining signatures of electors on the petition. The instructions shall be adopted by the
19 secretary [of State] by rule. The cover of a referendum petition shall contain the final measure
20 summary described in ORS 250.065 (1). If a petition seeking a different ballot title is not filed with
21 the Supreme Court by the deadline for filing a petition under ORS 250.085, the cover of an initiative
22 petition shall contain the ballot title described in ORS 250.067 (2). However, if the Supreme Court
23 has reviewed the ballot title, the cover of the initiative petition shall contain the title certified by
24 the court.

25 “[4] (6) The chief petitioners shall include with the prospective petition a statement declaring
26 whether one or more persons will be paid money or other valuable consideration for obtaining sig-
27 natures of electors on the initiative or referendum petition. After the prospective petition is filed,
28 the chief petitioners shall notify the filing officer not later than the 10th day after any of the chief
29 petitioners first has knowledge or should have had knowledge that:

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

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

34 “[5(a)] (7)(a) Each sheet of signatures on an initiative petition shall contain the caption of the
35 ballot title. Each sheet of signatures on a referendum petition shall contain the subject expressed
36 in the title of the Act to be referred.

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

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

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

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

1 “[(6)] (8) The reverse side of the cover of an initiative or referendum petition shall be used for
2 obtaining signatures on [an] **the** initiative or referendum petition.

3 “[(7)] (9) Not more than 20 signatures on the signature sheet of the initiative or referendum
4 petition [shall] **may** be counted. The circulator shall certify on each signature sheet of the initiative
5 or referendum petition that [the individuals signed the sheet in the presence of the circulator and that
6 the circulator believes each individual is an elector] **the circulator:**

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

9 “(b) **Believes each individual is an elector.**

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

13 “**SECTION 9.** ORS 250.065 is amended to read:

14 “250.065. (1) When a prospective petition for a state measure to be referred is filed with the
15 Secretary of State, the secretary shall authorize the circulation of the petition using the final
16 measure summary of the latest version of the printed, engrossed measure in lieu of the ballot title.
17 **On the next business day** after the referendum petition has been filed containing the required
18 number of verified signatures, the Secretary of State [immediately] shall send two copies of the
19 prospective petition to the Attorney General.

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

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

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

30 “**SECTION 10.** ORS 250.067 is amended to read:

31 “250.067. (1) The Secretary of State, upon receiving a draft ballot title from the Attorney Gen-
32 eral under ORS 250.065 or 250.075, shall provide reasonable statewide notice of having received the
33 draft ballot title and of the public’s right to submit written comments as provided in this section.
34 Written comments concerning a draft ballot title [shall] **may** be submitted to the Secretary of State
35 not later than the 10th business day after the Secretary of State receives the draft title from the
36 Attorney General. On the next business day after the deadline for submitting comments to the Sec-
37 retary of State, the secretary shall send a copy of all written comments to the Attorney General.
38 The secretary shall maintain a record of written comments received.

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

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

4 “(4) If a petition [*for review of a ballot title*] is filed with the Supreme Court as provided in ORS
5 250.085, the Secretary of State shall file with the Supreme Court a copy of the written comments
6 received as part of the record on review of the ballot title.

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

9 “**SECTION 11.** ORS 250.105 is amended to read:

10 “250.105. (1)(a) An initiative or referendum petition relating to a state measure [*shall*] **must** be
11 filed with the Secretary of State for the purpose of verifying whether the petition contains the re-
12 quired number of signatures of electors.

13 “(b) **Signatures on a prospective petition for a state measure to be initiated shall be**
14 **considered under this section for the purpose of verifying whether the initiative petition**
15 **contains the required number of signatures of electors.**

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

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

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

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

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

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

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

1 “(6) When verifying signatures for a state initiative or referendum petition, the **secretary or**
2 county clerk shall identify on an elector’s voter registration record or other database that the
3 elector signed the specific initiative or referendum petition.

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

6 “**SECTION 12.** ORS 260.057 is amended to read:

7 “260.057. (1) The Secretary of State by rule shall adopt an electronic filing system to be used
8 by:

9 “(a) All candidates and political committees to file with the secretary statements of contribu-
10 tions received and expenditures made by the candidates and political committees, as described in
11 ORS 260.083; **and**

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

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

23 “(b) For any special election, the secretary by rule may establish a period during which a candi-
24 date for nomination or election at the special election or a political committee supporting or op-
25 posing a candidate or measure at the special election must file a statement described in subsection
26 (1) of this section not later than seven calendar days after a contribution is received or an expend-
27 iture is made.

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

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

39 “(b) If a candidate for nomination or election at any general election or a political committee
40 supporting or opposing a candidate or measure at any general election receives a contribution or
41 makes an expenditure prior to the 42nd calendar day before the date of the general 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 general 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 general election.

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

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

3 “(b) Be compatible with any other electronic filing application provided or approved by the
4 secretary.

5 “(6)(a) **Except as provided in paragraph (b) of this subsection**, the secretary shall make all
6 data filed electronically under this section and all information filed with the secretary under ORS
7 260.044, 260.045, 260.049, 260.085, 260.102 or 260.118 available on the Internet to the public free of
8 charge according to a schedule adopted by the secretary by rule. The secretary shall make the data
9 available in a searchable database that is easily accessible by the public.

10 “(b) **The secretary may not make data that are filed electronically under this section or**
11 **ORS 260.118 available to the public under this section, unless the data are required to be**
12 **listed under ORS 260.083. The secretary may not disclose under ORS 192.410 to 192.505 any**
13 **data that are filed electronically under this section or ORS 260.118, unless the data are re-**
14 **quired to be listed under ORS 260.083.**

15 “(7) Each statement required by this section shall be signed and certified as true by the candi-
16 date or treasurer required to file it. Signatures shall be supplied in the manner specified by the
17 secretary by rule.

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

19 “(a) Candidates for federal office;

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

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

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

24 “260.118. (1) [*As provided in subsection (2) of this section, The chief petitioners of a statewide in-*
25 *itiative or referendum petition or any recall petition shall:*]

26 “[*(a) appoint a treasurer and certify the name and address of the treasurer to the filing officer.*]

27 **The chief petitioners of an initiative, referendum or recall petition shall appoint a treasurer.**
28 The treasurer shall be an elector of this state. Contributions shall be received and expenditures
29 made by or through the treasurer.

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

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

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

37 “[*(C)*] **(c)** A designation of the [*statewide*] initiative, [*or*] referendum [*petition*] or [*the*] recall pe-
38 tition. The designation of the recall petition shall include the name of the officer whose recall is
39 demanded.

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

43 “(3) [*Any*] **If there is a** change in the information submitted in a statement of organization un-
44 der subsection [(1)] **(2)** of this section, **the treasurer** shall [*be indicated in*] **file** an amended [*certif-*
45 *ication or an amended*] statement of organization [*filed*] not later than the 10th day after the change

1 in information.

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

7 “[a] A statement of contributions received and expenditures made filed not later than September
8 10 of an odd-numbered year. The accounting period for the statement required under this paragraph
9 begins on the date the treasurer is appointed under subsection (1) of this section and ends on September
10 1.]

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

15 “[c] A statement of contributions received and expenditures made filed not later than the 12th day
16 before the date of the primary election. The accounting period for the statement required under this
17 paragraph begins on the date the treasurer is appointed under subsection (1) of this section or on the
18 day following the last day of the accounting period for the previous statement filed and ends on the
19 16th day before the date of the primary election.]

20 “[5] Not later than the 15th day after the last day for filing a statewide initiative or referendum
21 petition or any recall petition with the filing officer for verification of signatures, the treasurer ap-
22 pointed under subsection (1) of this section shall file with the filing officer a statement described in
23 subsection (7) of this section. The statement required under this subsection shall be filed whether or
24 not the petition was completed or filed or was withdrawn under ORS 250.029.]

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

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

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

35 **“(b) During the period beginning on the 42nd calendar day before the date of any primary**
36 **election and ending on the date of the primary election and the period beginning on the 42nd**
37 **calendar day before the date of any general election and ending on the date of the general**
38 **election.**

39 **“(6) The treasurer of a referendum petition or a recall petition shall file a statement**
40 **described in subsection (4) of this section not later than seven calendar days after a contri-**
41 **bution is received or an expenditure is made. This subsection applies:**

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

45 **“(b) For a recall petition, to contributions received and expenditures made during the**

1 period beginning on the day after the date on which the statement of contributions received
2 and expenditures made that is required under ORS 249.865 is filed and ending on the deadline
3 for submitting signatures for verification.

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

8 “(8) If a treasurer of an initiative petition receives a contribution or makes an expendi-
9 ture prior to the 42nd calendar day before the date that is four months before a general
10 election, or the 42nd day before the date of the primary election or general election, and the
11 treasurer has not filed a statement of the contribution or expenditure under subsection (4)
12 of this section by the 43rd calendar day before the date that is four months before a general
13 election, or the 43rd day before the date of the primary election or general election, the
14 treasurer shall file a statement described in subsection (4) of this section not later than the
15 35th calendar day before the date that is four months before a general election, or the 35th
16 day before the date of the primary election or general election.

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

19 “[6] *Not later than the 15th day after the date an initiative or referendum petition that is not*
20 *statewide is filed with the filing officer for verification of signatures, the chief petitioners of the initi-*
21 *ative or referendum petition shall file with the filing officer a statement described in subsection (7) of*
22 *this section.*]

23 “[7] *The statement referred to in subsections (4) to (6) of this section shall include the following*
24 *information:*]

25 “[a] *The name and address of the chief petitioner.*]

26 “[b] *A designation of the initiative, referendum or recall petition. The designation of any recall*
27 *petition shall include the name of the officer whose recall is demanded.*]

28 “[c] *A statement conforming to ORS 260.083 of contributions received and expenditures made.*]

29 “[8](a) *For a statewide initiative petition, the accounting period for the statement required by*
30 *subsection (5) of this section begins on the 15th day before the date of the primary election and ends*
31 *on the deadline for submitting signatures for verification.*]

32 “[b] *For a statewide referendum petition, the accounting period for the statement required by*
33 *subsection (5) of this section begins on the date that the name of the treasurer is certified to the filing*
34 *officer under this section. The accounting period ends on the deadline for submitting signatures for*
35 *verification.*]

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

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

43 “[9](a) *If a statement filed under subsection (5) of this section for a statewide initiative or refer-*
44 *endum petition or any recall petition that did not qualify for the ballot shows an unexpended balance*
45 *of contributions or an expenditure deficit, and the chief petitioner’s committee does not intend to support*

1 or oppose a measure that is on the subsequent general election ballot, a supplemental statement shall
2 be filed annually not later than September 10.]

3 “(b) If a statement filed under this section for a statewide initiative or referendum petition or any
4 recall petition that did not qualify for the ballot shows an unexpended balance of contributions or an
5 expenditure deficit, and the chief petitioner’s committee intends to support or oppose a measure that is
6 on the subsequent general election ballot, the treasurer appointed under subsection (1) of this section
7 need not file a supplemental statement in that year, but shall file the statements required under ORS
8 260.057.]

9 “(c) The accounting period for the supplemental statement required by this subsection begins on
10 the day following the last day of the accounting period for the previous statement filed and ends on
11 September 1.]

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

15 “(11) As used in this section, ‘contribution’ and ‘expenditure’ include a contribution or expendi-
16 ture to or on behalf of an initiative, referendum or recall petition.

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

19 “260.045. (1) If a candidate or treasurer receives a contribution of more than \$100 from a poli-
20 tical committee not in this state, the candidate or treasurer shall file the following if required under
21 subsection (2) of this section:

22 “(a) A written statement of the name, occupation and address of each person, or the name, ad-
23 dress and primary nature of each political committee, who contributed more than \$100 of the con-
24 tribution. The statement shall be certified as true by an officer of the contributing political
25 committee. As used in this paragraph, ‘address’ includes street number and name, rural route num-
26 ber or post-office box, and city and state; or

27 “(b) An affidavit that to the best of the candidate’s or treasurer’s knowledge and belief the
28 contributing political committee will not make contributions to candidates and treasurers in this
29 state that exceed two-thirds, in total amount, of all contributions made by it in this state and else-
30 where during the calendar year [or the period described in ORS 260.118 (4) or (8)] for which the
31 statement is filed. The affidavit shall be filed at the same time the statement is filed regarding the
32 contribution.

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

34 “(a) Requested by the Secretary of State; or

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

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

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

44 “260.215. (1) For statements filed during each calendar year, each filing officer shall examine
45 each statement filed with the filing officer under ORS 260.044 (1), 260.057, 260.083, 260.102, [or]

1 260.112 or **260.118 (4)** to determine whether the statement is sufficient. The filing officer shall ex-
2 amine statements under this section not later than 90 days after the end of each calendar quarter
3 for statements filed during the previous calendar quarter.

4 “[2] *Not later than the third month after the date a statement is filed under ORS 260.118, the filing*
5 *officer shall examine the statement to determine whether the statement is sufficient.*”

6 “[3] **(2)** The filing officer [*under subsections (1) and (2) of this section*] may require any person
7 to answer in writing and upon oath or affirmation before a judge, justice of the peace, county clerk
8 or notary public any question within the knowledge of that person concerning the source of any
9 contribution. The filing officer shall advise the person of the penalty for failure to answer.

10 “[4(a)] **(3)(a)** For statements filed during each calendar year, in addition to the requirements
11 of ORS 260.205 and this section, the Secretary of State shall review statements filed with the sec-
12 retary under ORS 260.057 by the principal campaign committees of all candidates for nomination or
13 election to state office. For each review, the secretary shall require a candidate or treasurer of a
14 political committee to provide documentation of not more than eight transactions.

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

16 “(c) As used in this subsection, ‘state office’ does not include the office of judge or district at-
17 torney.

18 “**SECTION 16.** ORS 250.165 is amended to read:

19 “250.165. (1) Before circulating a petition to initiate or refer a county measure, the petitioner
20 shall file with the county clerk a prospective petition. The county clerk immediately shall date and
21 time stamp the prospective petition, and specify the form on which the petition shall be printed for
22 circulation. The clerk shall retain the prospective petition.

23 “(2) The cover of an initiative or referendum petition shall designate the name and residence
24 address of not more than three persons as chief petitioners and shall contain instructions for per-
25 sons obtaining signatures of electors on the petition. The instructions shall be adopted by the Sec-
26 retary of State by rule. The cover of a referendum petition shall contain the title described in ORS
27 250.175 (1). If the circuit court has not reviewed the ballot title under ORS 250.195, the cover of an
28 initiative petition shall contain the ballot title described in ORS 250.175 (3). If the circuit court has
29 reviewed the ballot title, the cover of the initiative petition shall contain the title certified by the
30 court.

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

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

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

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

43 “(b) Each sheet of signatures on an initiative or referendum petition shall, if one or more per-
44 sons will be paid for obtaining signatures of electors on the petition, contain a notice stating: ‘Some
45 Circulators For This Petition Are Being Paid.’”

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

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

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

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

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

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

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

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

23 “**SECTION 17.** ORS 250.265 is amended to read:

24 “250.265. (1) Before circulating a petition to initiate or refer a city measure, the petitioner shall
25 file with the city elections officer a prospective petition. The officer immediately shall date and time
26 stamp the prospective petition, and specify the form on which the petition shall be printed for cir-
27 culation. The officer shall retain the prospective petition.

28 “(2) The cover of an initiative or referendum petition shall designate the name and residence
29 address of not more than three persons as chief petitioners and shall contain instructions for per-
30 sons obtaining signatures of electors on the petition. The instructions shall be adopted by the Sec-
31 retary of State by rule. The cover of a referendum petition shall contain the title described in ORS
32 250.275 (1). If the circuit court has not reviewed the ballot title under ORS 250.296, the cover of an
33 initiative petition shall contain the ballot title described in ORS 250.275 (3). If the circuit court has
34 reviewed the ballot title, the cover of the initiative petition shall contain the title certified by the
35 court.

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

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

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

45 “(4)(a) Each sheet of signatures on an initiative petition shall contain the caption of the ballot

1 title. Each sheet of signatures on a referendum petition shall contain the number of the ordinance
2 or resolution to be referred, if any, and the date it was adopted by the city governing body.

3 “(b) Each sheet of signatures on an initiative or referendum petition shall, if one or more per-
4 sons will be paid for obtaining signatures of electors on the petition, contain a notice stating: ‘Some
5 Circulators For This Petition Are Being Paid.’

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

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

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

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

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

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

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

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

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

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

31 **“SECTION 18. ORS 255.135 is amended to read:**

32 **“255.135. (1)** Before circulating a petition to initiate or refer a district measure, the petitioner
33 shall file with the elections officer a prospective petition. The elections officer immediately shall
34 date and time stamp the prospective petition, and specify the form on which the petition shall be
35 printed for circulation. The officer shall retain the prospective petition.

36 **“(2)** The cover of an initiative or referendum petition shall designate the name and residence
37 address of not more than three persons as chief petitioners and shall contain instructions for per-
38 sons obtaining signatures of electors on the petition. The instructions shall be adopted by the Sec-
39 retary of State by rule. The cover of a referendum petition shall contain the title described in ORS
40 255.145 (1). If the circuit court has not reviewed the ballot title under ORS 255.155, the cover of an
41 initiative petition shall contain the ballot title described in ORS 255.145 (3). If the circuit court has
42 reviewed the ballot title, the cover of the initiative petition shall contain the title certified by the
43 court.

44 **“(3)** The chief petitioners shall include with the prospective petition a statement declaring
45 whether one or more persons will be paid money or other valuable consideration for obtaining sig-

1 natures of electors on the initiative or referendum petition. After the prospective petition is filed,
2 the chief petitioners shall notify the filing officer not later than the 10th day after any of the chief
3 petitioners first has 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 petition declared that no such person would be paid.

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

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

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

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

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

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

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

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

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

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

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

39 “**SECTION 19.** ORS 198.430 is amended to read:

40 “198.430. (1) **Before circulating** a petition for recall of a district officer of a district other than
41 a district defined in ORS 255.012, **the petitioner shall file the petition** *[shall be filed]* with the of-
42 ficer with whom a petition for nomination to such office should be filed. Except as provided in this
43 subsection, if there is no such officer or if the officer is the district officer against whom the petition
44 is being filed, the petition shall be filed with the county clerk of the county in which the adminis-
45 trative office of the district is located. In the case of an irrigation district organized under ORS

1 chapter 545, if there is no such officer or if the officer is the district officer against whom the pe-
2 tition is being filed, the petition shall be filed with the board of directors of the irrigation district.

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

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

7 “(b) Fifteen percent of the total votes cast in the electoral district for all candidates for Gov-
8 ernor at the most recent election at which a candidate for Governor was elected to a full term.

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

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

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

17 “(4) In those districts where a person qualified to vote must be an elector, the petition, before
18 filing, shall be submitted to the county clerk who shall compare the signatures of the persons sign-
19 ing the petition with the signatures of electors on the register of electors and, on the face of each
20 signature sheet, shall make a certificate of the number of signatures the county clerk believes to
21 be genuine. In other districts, the officer who receives the petition for filing, before filing the peti-
22 tion, shall verify the signatures and make a certificate of the number of signatures the officer be-
23 lieves to be genuine.

24 “(5) The district shall pay the expense of verifying the signatures and of calling and conducting
25 the election. The election shall be conducted in the district, or in the subdivision of the district from
26 which the district officer was elected, in accordance with the law governing election of district of-
27 ficers.

28 “(6) A person who is qualified to vote in a district under this section is a person who is quali-
29 fied, under the law applicable to the district, to vote in an election at which members of the gov-
30 erning body of the district are elected.

31 “(7) A recall petition is void unless the petition is filed not later than the 100th day after the
32 date of the first signature on the petition. Not later than the 90th day after the date of the first
33 signature, the petition shall be submitted for signature verification to the county clerk or other of-
34 ficer described in subsection (4) of this section who shall make the certificate of the number of
35 genuine signatures not later than the 10th day after the date of submission. The petition must con-
36 tain only original signatures. A recall petition shall not be accepted for signature verification if the
37 petition contains less than 100 percent of the required number of signatures. A recall petition shall
38 not be accepted for filing until 100 percent of the required number of signatures have been verified.

39 “**SECTION 20.** ORS 198.750 is amended to read:

40 “198.750. (1) If a proposal for formation or change of organization of a district is made by peti-
41 tion, the petition shall:

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

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

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

45 “(d) State the nature of the proposal, whether formation of a district or change of organization

1 and the kind of change proposed.

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

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

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

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

14 “(i) State, or indicate opposite each signature, whether the signers of the petition are landown-
15 ers within the district or electors registered in the district, or both.

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

17 “(2) If the petition proposes formation of a district, the petition shall set forth a description of
18 the boundaries of the territory proposed to be included in the district. If the petition proposes
19 annexation or withdrawal of territory, the petition shall set forth a description of the boundaries
20 of the territory to be annexed or withdrawn.

21 “(3) If a petition proposes formation of a district, or consolidation or merger of districts, the
22 petition may propose a name for the new district or for the surviving or successor district.

23 “(4) The [*person circulating the petition*] **circulator of the petition** shall certify on each signa-
24 ture sheet of the petition that [*every person who signed the petition did so in the presence of the*
25 *person circulating the petition*] **the circulator witnessed the signing of the signature sheet by**
26 **each individual whose signature appears on the signature sheet.**

27 “**SECTION 21.** ORS 221.031 is amended to read:

28 “221.031. (1) Before circulating a petition to incorporate unincorporated territory as a city, the
29 petitioners shall file with the county clerk of the county in which the proposed city lies or, should
30 it lie in more than one county, to the county clerk of the county in which the largest part of its
31 territory lies, a petition for incorporation in a form prescribed by rule of the Secretary of State. If
32 the economic feasibility statement required by ORS 221.035 is submitted with the petition, the
33 county clerk shall immediately date and time stamp the prospective petition and shall authorize the
34 circulation of the petition. The county clerk shall retain the prospective petition and economic fea-
35 sibility statement and shall immediately send two copies of the prospective petition to the appro-
36 priate county court.

37 “(2) A petition for incorporation filed with the county clerk under subsection (1) of this section
38 shall designate the name and residence address of not more than three persons as chief petitioners,
39 who shall be electors registered within the boundaries of the proposed city. The petition shall con-
40 tain the name of the proposed city. The petition shall also include a proposed permanent rate limit
41 for operating taxes that would generate operating tax revenues sufficient to support an adequate
42 level of municipal services. The tax rate limit shall be expressed in dollars per thousand dollars of
43 assessed value. The tax rate limit shall be calculated for the latest tax year for which the assessed
44 value of the proposed city is available. There shall be attached to the cover sheet of the petition a
45 map indicating the exterior boundaries of the proposed city. The map shall not exceed 14 inches by

1 17 inches in size and shall be used in lieu of a metes and bounds or legal description of the proposed
2 city. If the territory proposed to be incorporated is within the jurisdiction of a local government
3 boundary commission, the petition shall be accompanied by the economic feasibility analysis re-
4 quired under ORS 199.476 (1). Notwithstanding subsection (1) of this section, unless the economic
5 feasibility analysis is approved by the local government boundary commission as provided in ORS
6 199.522, the county clerk shall not authorize the circulation of the petition.

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

18 “**SECTION 22.** ORS 248.008 is amended to read:

19 “248.008. (1) An affiliation of electors becomes a minor political party in the state, a county or
20 other electoral district, qualified to make nominations for public office in that electoral district and
21 in any other electoral district wholly contained within the electoral district, when either of the
22 following events occurs:

23 “(a) When the affiliation of electors has filed with the Secretary of State a petition with the
24 signatures of at least a number of electors equal to one and one-half percent of the total votes cast
25 in the electoral district for all candidates for Governor at the most recent election at which a candi-
26 date for Governor was elected to a full term. The petition also shall state the intention to form
27 a new political party and give the designation of it. The filed petition shall contain only original
28 signatures. The petition shall be filed not later than two years following the date the prospective
29 petition is filed. The circulator shall certify on each signature sheet that [*the individuals signed the*
30 *sheet in the presence of*] the circulator **witnessed the signing of the signature sheet by each in-**
31 **dividual whose signature appears on the signature sheet** and that the circulator believes each
32 individual is an elector registered in the electoral district. The Secretary of State shall verify
33 whether the petition contains the required number of signatures of electors. The petition shall not
34 be accepted for filing if it contains less than 100 percent of the required number of signatures. The
35 Secretary of State by rule shall designate a statistical sampling technique to verify whether a peti-
36 tion contains the required number of signatures of electors. A petition shall not be rejected for the
37 reason that it contains less than the required number of signatures unless two separate sampling
38 processes both establish that the petition lacks the required number of signatures. The second
39 sampling must contain a larger number of signatures than the first sampling. The Secretary of State
40 may employ professional assistance to determine the sampling technique. The statistical sampling
41 technique may be the same as that adopted under ORS 250.105. Before circulating the petition, the
42 chief sponsor of the petition shall file with the Secretary of State a signed copy of the prospective
43 petition. The chief sponsor shall include with the prospective petition a statement declaring whether
44 one or more persons will be paid money or other valuable consideration for obtaining signatures of
45 electors on the petition. After the prospective petition is filed, the chief sponsor shall notify the

1 filing officer not later than the 10th day after the chief sponsor first has knowledge or should have
2 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
6 prospective petition declared that one or more such persons would be paid.

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

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

12 “(B) Any single state office to be voted upon in the state at large for which nominations by
13 political parties are permitted by law at the most recent election at which a candidate for the office
14 was elected to a full term.

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

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

24 “(4) After a minor political party qualifies to nominate candidates, in order to maintain status
25 as a minor political party:

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

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

33 “(5) An affiliation of electors ceases to be a minor political party in the state or electoral dis-
34 trict if:

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

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

42 “(6) During the period beginning on the date of the primary election and ending on the 90th day
43 before the date of the general election, the Secretary of State shall determine not less than once
44 each month whether the registration requirement of subsection (2) or (4)(b) of this section has been
45 satisfied. If the party changes its name, only those electors who register on or after the effective

1 date of the name change as members of the party under the new party name shall be counted as
2 members of the party under this subsection.

3 “(7) An affiliation of electors or a minor political party may not satisfy the one percent re-
4 quirement referred to in subsection (1)(b) of this section by nominating a candidate who is the
5 nominee of another political party at the same election.

6 “**SECTION 23.** ORS 249.061 is amended to read:

7 “249.061. (1) [No] **A** petition for nomination [shall] **may not** contain the name of more than one
8 candidate.

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

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

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

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

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

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

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

26 “**SECTION 24.** ORS 249.740 is amended to read:

27 “249.740. (1) A certificate of nomination made by individual electors shall contain a number of
28 signatures of electors in the electoral district equal to not less than one percent of the total votes
29 cast in the electoral district for which the nomination is intended to be made, for all candidates for
30 presidential electors at the last general election.

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

35 “(3) Before beginning to circulate the certificate of nomination, the chief sponsor of the certif-
36 icate shall file a signed copy of the prospective certificate with the filing officer referred to in ORS
37 249.722. The chief sponsor of the certificate shall include with the prospective certificate a state-
38 ment declaring whether one or more persons will be paid money or other valuable consideration for
39 obtaining signatures of electors on the certificate. After the prospective certificate is filed, the chief
40 sponsor shall notify the filing officer not later than the 10th day after the chief sponsor first has
41 knowledge or should have had knowledge that:

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

44 “(b) No person is being paid for obtaining signatures, when the statement included with the
45 prospective certificate declared that one or more such persons would be paid.

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

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

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

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

9 “(6) As used in this section, ‘prospective certificate’ means the information, except signatures
10 and other identification of certificate signers, required to be contained in a completed certificate
11 of nomination.

12 “**SECTION 25.** ORS 249.865 is amended to read:

13 “249.865. (1) Pursuant to section 18, Article II of the Oregon Constitution, an elector of the
14 electoral district from which the public officer is elected may file a petition demanding the recall
15 of the public officer. Before the petition is circulated for signatures, the chief petitioner of the pe-
16 tition shall file with the officer authorized to order the recall election:

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

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

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

22 “(2) The chief petitioner shall include with the prospective petition a statement declaring
23 whether one or more persons will be paid money or other valuable consideration for obtaining sig-
24 natures of electors on the recall petition. After the prospective petition is filed, the chief petitioner
25 shall notify the filing officer not later than the 10th day after the chief petitioner first has knowl-
26 edge or should have had knowledge that:

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

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

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

32 “(a) The words ‘Petition for recall of,’ (name and title of officer) and the date of the filing under
33 subsection (1) of this section; and

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

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

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

41 “(b) **Believes each individual is an elector.**

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

1 “**SECTION 26.** ORS 261.115 is amended to read:

2 “261.115. (1) All electors’ petitions shall contain a statement as to whether or not the petitioners
3 are desirous of forming a utility district, or to annex territory to an existing utility district, or to
4 consolidate two or more existing utility districts, the description of the territory sought to be in-
5 cluded therein and the name by which the utility district is to be known. The statement shall be
6 printed on a separate page or pages.

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

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

15 “(b) **Believes that each individual stated the correct residence address of the individual**
16 **and that the individual is an elector.**

17 “(3) An electors’ petition shall designate three or more persons as chief petitioners and shall set
18 forth their names and mailing addresses.

19 “**SECTION 27.** ORS 545.025 is amended to read:

20 “545.025. (1) When owners of land that is irrigated or susceptible to irrigation desire to provide
21 for the construction of works for irrigation of their land, to provide for the reconstruction,
22 betterment, extension, purchase, operation or maintenance of works already constructed, or to pro-
23 vide for the assumption of indebtedness to the United States incurred under the federal reclamation
24 laws on account of their lands, they may propose the organization of an irrigation district under the
25 Irrigation District Law by signing a petition and filing it with the county court of the principal
26 county, as defined in ORS 198.705. The petition must be signed by a majority of the owners of land
27 or 50 owners of land within the exterior boundaries of the proposed district.

28 “(2) The petition shall set forth:

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

31 “(b) The name of the proposed district;

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

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

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

38 “(3) ORS 198.760, 198.765, 198.770 and 198.775 apply to petitions for the formation of an irri-
39 gation district, except that an economic feasibility statement is not required.

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

44 “(5) A description and map of all of the lands that are included within the proposed district and
45 that will be subject to the charges and assessments of the district, together with the names and

1 mailing addresses of all of the owners of the lands, shall be included in the petition or attached to
2 the petition as an exhibit. Reference to the assessor's map and tax lot number is sufficient for the
3 description of lands required under this subsection.

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

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

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

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

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

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

21 "(8) If an elector is not a resident of the district or this state, a legal representative of the
22 owner of land, including an individual acting pursuant to a power of attorney, may sign a formation
23 petition for and on behalf of the owner.

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

26 "260.005. As used in this chapter:

27 "(1)(a) 'Candidate' means:

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

32 "(B) An individual who has solicited or received and accepted a contribution, made an expend-
33 iture, or given consent to an individual, organization, political party or political committee to solicit
34 or receive and accept a contribution or make an expenditure on the individual's behalf to secure
35 nomination or election to any public office at any time, whether or not the office for which the in-
36 dividual will seek nomination or election is known when the solicitation is made, the contribution
37 is received and retained or the expenditure is made, and whether or not the name of the individual
38 is printed on a ballot; or

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

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

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

1 provided in the party's bylaws.

2 “(3)(a) Except as provided in ORS 260.007, ‘contribute’ or ‘contribution’ includes:

3 “(A) The payment, loan, gift, forgiving of indebtedness, or furnishing without equivalent com-
4 pensation or consideration, of money, services other than personal services for which no compen-
5 sation is asked or given, supplies, equipment or any other thing of value:

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

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

10 “(B) Any unfulfilled pledge, subscription, agreement or promise, whether or not legally enforce-
11 able, to make a contribution.

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

14 “(4)(a) ‘Controlled committee’ means a political committee that, in connection with the making
15 of contributions or expenditures:

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

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

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

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

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

24 “(5) ‘County clerk’ means the county clerk or the county official in charge of elections.

25 “(6) ‘Elector’ means an individual qualified to vote under section 2, Article II of the Oregon
26 Constitution.

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

34 “(8) ‘Filing officer’ means:

35 “(a) The Secretary of State:

36 “(A) Regarding a candidate for public office;

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

40 “(C) Regarding any measure; or

41 “(D) Regarding any political committee.

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

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

44 “[*(B) The chief petitioners of a district initiative or referendum petition where the district is situ-*
45 *ated wholly within one county; or]*

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

3 “(c) *The chief city elections officer, regarding a statement required to be filed under ORS 260.118*
4 *by:*]

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

6 “(B) *The chief petitioners of a recall petition relating to a city public office holder.*”]

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

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

11 “(B) *The chief petitioners of a recall petition relating to a district public office holder.*”]

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

14 “(A) The county clerk, regarding any candidate for office or any measure at an irrigation dis-
15 trict formation election where the proposed district is situated wholly in one county;

16 “(B) The county clerk of the county in which the office of the secretary of the proposed irri-
17 gation district will be located, regarding any candidate for office or any measure at an irrigation
18 district formation election where the proposed district is situated in more than one county; or

19 “(C) The secretary of the irrigation district for any election other than an irrigation district
20 formation election.

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

26 “(a) A communication is ‘in support of or in opposition to’ a candidate or measure if:

27 “(A) The communication, taken in its context, clearly and unambiguously urges the election or
28 defeat of a clearly identified candidate for nomination or election to public office, or the passage
29 or defeat of a clearly identified measure;

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

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

32 “(b) ‘Agent’ means any person who has:

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

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

39 “(c) ‘Clearly identified’ means, with respect to candidates:

40 “(A) The name of the candidate involved appears;

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

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

43 “(d) ‘Clearly identified’ means, with respect to measures:

44 “(A) The ballot number of the measure appears;

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

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

2 “(e) ‘Made with the cooperation or with the prior consent of, or in consultation with, or at the

3 request or suggestion of, a candidate or any agent or authorized committee of the candidate, or any

4 political committee or agent of a political committee supporting or opposing a measure’:

5 “(A) Means any arrangement, coordination or direction by the candidate or the candidate’s

6 agent, or by any political committee or agent of a political committee supporting or opposing a

7 measure, prior to the publication, distribution, display or broadcast of the communication. An ex-

8 penditure shall be presumed to be so made when it is:

9 “(i) Based on information about the plans, projects or needs of the candidate, or of the political

10 committee supporting or opposing a measure, and provided to the expending person by the candidate

11 or by the candidate’s agent, or by any political committee or agent of a political committee sup-

12 porting or opposing a measure, with a view toward having an expenditure made; or

13 “(ii) Made by or through any person who is or has been authorized to raise or expend funds,

14 who is or has been an officer of a political committee authorized by the candidate or by a political

15 committee or agent of a political committee supporting or opposing a measure, or who is or has been

16 receiving any form of compensation or reimbursement from the candidate, the candidate’s principal

17 campaign committee or agent or from any political committee or agent of a political committee

18 supporting or opposing a measure; and

19 “(B) Does not include providing to the expending person upon request a copy of this chapter or

20 any rules adopted by the Secretary of State relating to independent expenditures.

21 “(10) ‘Initiative petition’ means a petition to initiate a measure for which a prospective petition

22 has been filed but that is not yet a measure.

23 “(11) ‘Judge’ means judge of the Supreme Court, Court of Appeals, circuit court or the Oregon

24 Tax Court.

25 “(12) ‘Mass mailing’ means more than 200 substantially similar pieces of mail, but does not in-

26 clude a form letter or other mail that is sent in response to an unsolicited request, letter or other

27 inquiry.

28 “(13) ‘Measure’ includes any of the following submitted to the people for their approval or re-

29 jection at an election:

30 “(a) A proposed law.

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

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

33 “(d) Local, special or municipal legislation.

34 “(e) A proposition or question.

35 “(14) ‘Occupation’ means:

36 “(a) The nature of an individual’s principal business; and

37 “(b) If the individual is employed by another person, the business name and address, by city and

38 state, of the employer.

39 “(15) ‘Person’ means an individual, corporation, limited liability company, labor organization,

40 association, firm, partnership, joint stock company, club, organization or other combination of indi-

41 viduals having collective capacity.

42 “(16)(a) ‘Political committee’ means a combination of two or more individuals, or a person other

43 than an individual, that has:

44 “(A) Received a contribution for the purpose of supporting or opposing a candidate, measure or

45 political party; or

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

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

4 “(A) A contribution to a candidate or political committee that is required to report the contri-
5 bution on a statement filed under ORS 260.057, 260.076 or 260.102 or a certificate filed under ORS
6 260.112; or

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

9 “(17) ‘Public office’ means any national, state, county, district, city office or position, except a
10 political party office, that is filled by the electors.

11 “(18) ‘Recall petition’ means a petition to recall a public officer for which a prospective petition
12 has been filed but that is not yet a measure.

13 “(19) ‘Referendum petition’ means a petition to refer a measure for which a prospective petition
14 has been filed but that is not yet a measure.

15 “(20) ‘Regular district election’ means the regular district election described in ORS 255.335.

16 “(21) ‘Slate mailer’ means a mass mailing that supports or opposes a total of three or more
17 candidates or measures.

18 “(22)(a) ‘Slate mailer organization’ means, except as provided in paragraph (b) of this subsection,
19 any person who directly or indirectly:

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

22 “(B) Receives or is promised payment for producing one or more slate mailers or for endorsing
23 or opposing, or refraining from endorsing or opposing, a candidate or measure in one or more slate
24 mailers.

25 “(b) Notwithstanding paragraph (a) of this subsection, ‘slate mailer organization’ does not in-
26 clude:

27 “(A) A political committee organized by a political party; or

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

30 “(23) ‘State office’ means the office of Governor, Secretary of State, State Treasurer, Attorney
31 General, Commissioner of the Bureau of Labor and Industries, Superintendent of Public Instruction,
32 state Senator, state Representative, judge or district attorney.

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

35 “260.255. (1) Except as provided in subsection (2) of this section, a filing officer shall preserve
36 each statement filed with the officer under ORS 260.057, 260.076, 260.083, 260.102, 260.112 or 260.118,
37 or an accurate copy of it, for at least six calendar years.

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

43 “**SECTION 30.** ORS 260.402 is amended to read:

44 “260.402. (1) A person may not make a contribution in any name other than that of the person
45 who in truth provides the contribution to:

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

3 “(b) Any political committee; or

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

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

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

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

17 “(b) **Section 2 of this 2007 Act applies to persons who pay or receive money or other**
18 **valuable consideration for obtaining signatures of electors on a state initiative or referendum**
19 **petition that, if filed with the required number of signatures of electors, will be submitted**
20 **to the people at a general election occurring after the first Tuesday after the first Monday**
21 **in November 2008, regardless of when the prospective petition for the initiative or referen-**
22 **dum petition is filed.**

23 “(c) **Section 2 of this 2007 Act applies to persons who pay or receive money or other**
24 **valuable consideration for obtaining signatures of electors on a state recall petition for which**
25 **a prospective petition is filed on or after the effective date of this 2007 Act.**

26 “(2)(a) **Section 3 of this 2007 Act does not apply to a state initiative or referendum peti-**
27 **tion or to persons obtaining signatures on a state initiative or referendum petition that, if**
28 **filed with the required number of signatures of electors, will be submitted to the people at**
29 **the general election held on the first Tuesday after the first Monday in November 2008.**

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

35 “(c) **Section 3 of this 2007 Act applies to a state recall petition and to persons obtaining**
36 **signatures on a state recall petition for which a prospective petition is filed on or after the**
37 **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**
40 **after 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
5 of 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 to 11 of this 2007 Act:

8 “(1) Do not apply to a state initiative or referendum petition that, if filed with the re-
9 quired number of signatures of electors, will be submitted to the people at the general
10 election held on the first Tuesday after the first Monday in November 2008.

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

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

17 “(2) The amendments to ORS 260.005, 260.045, 260.118 and 260.215 by sections 13 to 15 and
18 28 of this 2007 Act apply to initiative, referendum and recall petitions for which a prospective
19 petition is filed prior to, on or after January 1, 2008.

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

22 “SECTION 35. (1) Except as provided in subsections (2) and (3) of this section, a treasurer
23 of an initiative, referendum or recall petition shall file a first statement of contributions
24 received and expenditures made under ORS 260.057 and 260.118, as amended by sections 12
25 and 13 of this 2007 Act, for contributions received and expenditures made on or after January
26 1, 2008.

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

33 “(3) If the last statement of contributions received and expenditures made that is filed
34 by a treasurer of an initiative, referendum or recall petition prior to January 1, 2008, shows
35 an unexpended balance of contributions or an expenditure deficit, the first statement of
36 contributions received and expenditures made that is required under ORS 260.057 and 260.118,
37 as amended by sections 12 and 13 of this 2007 Act, shall list a beginning balance in an amount
38 equal to the amount of the unexpended balance of contributions or the amount of the ex-
39 penditure deficit.

40 “SECTION 36. The Secretary of State, a county clerk or other elections officer may take
41 any action before January 1, 2008, that is necessary to enable the secretary, clerk or
42 elections officer to exercise, on and after January 1, 2008, all the duties, functions and pow-
43 ers conferred upon the secretary, clerk or elections officer by ORS 260.005, 260.045, 260.057,
44 260.118 and 260.215, as amended by sections 12 to 15 and 28 of this 2007 Act.

45 “SECTION 37. The amendments to ORS 260.005, 260.045, 260.057, 260.118 and 260.215 by

1 sections 12 to 15 and 28 of this 2007 Act become operative on January 1, 2008.

2 “SECTION 38. The amendments to ORS 198.430, 198.750, 221.031, 248.008, 249.061, 249.740,
3 249.865, 250.165, 250.265, 255.135, 261.115 and 545.025 by sections 16 to 27 of this 2007 Act apply
4 to certificates and petitions for which the gathering of signatures begins on or after the ef-
5 fective date of this 2007 Act, regardless of when a prospective petition was filed.

6 “SECTION 39. This 2007 Act being necessary for the immediate preservation of the public
7 peace, health and safety, an emergency is declared to exist, and this 2007 Act takes effect
8 on its passage.”

9
