

House Bill 2082

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

SUMMARY

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

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

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

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

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

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to election petitions; creating new provisions; amending ORS 250.045; and declaring an
3 emergency.

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

5 **SECTION 1. Section 2 of this 2007 Act is added to and made a part of ORS chapter 260.**

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

10 **(2) If the person who signed the signature sheet is a person with a disability and requests**
11 **assistance in writing on the signature sheet any information about the person, a person**
12 **other than the person who signed the signature sheet may write on the signature sheet any**
13 **information about the person who signed the signature sheet.**

14 **(3) As used in this section:**

15 **(a) "Information about the person who signed the signature sheet" means any informa-**
16 **tion regarding the person who signed the signature sheet of an initiative, referendum, recall**
17 **or candidate nominating petition or a certificate of nomination, in addition to the signature**
18 **of the person, that is required or requested to be supplied on a signature sheet of an initi-**
19 **ative, referendum, recall or candidate nominating petition or a certificate of nomination.**

20 **(b) "The person who signed the signature sheet" means the person whose signature will**
21 **be submitted for verification under ORS chapter 249 or ORS 250.105, 250.215, 250.315 or**
22 **255.175 for the purpose of determining whether the petition or certificate contains the re-**
23 **quired number of signatures of electors.**

24 **SECTION 3. Sections 4 and 5 of this 2007 Act are added to and made a part of ORS**
25 **chapter 250.**

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

1 **SECTION 4.** (1) A person may not pay money or other valuable consideration to another
 2 person for obtaining signatures of electors on a state initiative, referendum or recall peti-
 3 tion, and a person may not receive money or other valuable consideration for obtaining sig-
 4 natures of electors on a state initiative, referendum or recall petition, unless the person
 5 obtaining the signatures:

6 (a) Registers with the Secretary of State in the manner prescribed by rule of the Secre-
 7 tary of State; and

8 (b) Completes the training program prescribed by rule of the Secretary of State.

9 (2) The Secretary of State shall adopt rules:

10 (a) Establishing procedures for registering persons who may be paid money or other
 11 valuable consideration for obtaining signatures of electors on a state initiative, referendum
 12 or recall petition; and

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

16 **SECTION 5.** (1) For each state initiative, referendum or recall petition, the Secretary of
 17 State shall prepare official templates of the cover and signature sheets for the petition. A
 18 person obtaining signatures on a state initiative, referendum or recall petition may use only
 19 the cover and signature sheets contained in the official templates prepared for the petition.
 20 The templates for each petition shall be sequentially numbered and issued by the Secretary
 21 of State only to a chief petitioner of the petition.

22 (2) The Secretary of State shall issue official templates to a chief petitioner not later
 23 than:

24 (a) Three business days after the deadline for filing a petition for review under ORS
 25 250.085 of a ballot title certified by the Attorney General for the state initiative petition or,
 26 if a petition seeking a different title is filed with the Supreme Court under ORS 250.085, three
 27 business days after the Supreme Court certifies to the Secretary of State a ballot title for
 28 the state initiative petition; or

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

31 (3) Not later than five business days after the deadline for the Secretary of State to issue
 32 templates under subsection (2) of this section, a chief petitioner of a state initiative, refer-
 33 endum or recall petition may submit to the Secretary of State a written request for modifi-
 34 cations to the templates. The Secretary of State shall approve or disapprove the request not
 35 later than five business days after receiving the request. If the Secretary of State disap-
 36 proves the request, the Secretary of State shall advise the chief petitioner in writing of the
 37 reasons for the disapproval.

38 (4) A person other than a person authorized by a chief petitioner of a state initiative,
 39 referendum or recall petition may not obtain signatures of electors on that petition.

40 (5) The Secretary of State shall adopt rules prescribing:

41 (a) The contents of official templates required under this section; and

42 (b) Provisions specifying methods a chief petitioner may use to authorize persons to ob-
 43 tain signatures on the chief petitioner's state initiative, referendum or recall petition.

44 **SECTION 6.** ORS 250.045 is amended to read:

45 250.045. (1) Before circulating a petition to initiate or refer a state measure under section 1,

1 Article IV, Oregon Constitution, the petitioner shall file with the Secretary of State a prospective
 2 petition. The prospective petition for a state measure to be initiated shall contain a statement of
 3 sponsorship signed by at least 25 electors. The statement of sponsorship shall be attached to a full
 4 and correct copy of the measure to be initiated. The signatures in the statement of sponsorship must
 5 be accompanied by a certificate of the county clerk of each county in which the electors who signed
 6 the statement reside, stating the number of signatures believed to be genuine. The Secretary of State
 7 shall date and time stamp the prospective petition and specify the form on which the petition shall
 8 be printed for circulation. *[The secretary shall approve or disapprove the form of any petition signa-*
 9 *ture sheet within five business days after the signature sheet is submitted for review by the secretary.]*
 10 The secretary shall retain the prospective petition.

11 (2) The chief petitioner may amend the proposed initiated measure filed with the Secretary of
 12 State without filing another prospective petition, 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) The cover of an initiative or referendum petition shall designate the name and residence
 17 address of not more than three persons as chief petitioners and shall contain instructions for per-
 18 sons obtaining signatures of electors on the petition. The instructions shall be adopted by the Sec-
 19 retary of State by rule. The cover of a referendum petition shall contain the final measure summary
 20 described in ORS 250.065 (1). If a petition seeking a different ballot title is not filed with the Su-
 21 preme Court by the deadline for filing a petition under ORS 250.085, the cover of an initiative peti-
 22 tion shall contain the ballot title described in ORS 250.067 (2). However, if the Supreme Court has
 23 reviewed the ballot title, the cover of the initiative petition shall contain the title certified by the
 24 court.

25 (4) 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 pro-
 33 spective petition declared that one or more such persons would be paid.

34 (5)(a) Each sheet of signatures on an initiative petition shall contain the caption of the ballot
 35 title. Each sheet of signatures on a referendum petition shall contain the subject expressed in the
 36 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; and

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

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

45 (6) The reverse side of the cover of an initiative or referendum petition shall be used for ob-

1 taining signatures on an initiative or referendum petition.

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

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

9 **SECTION 7. (1)(a) Section 2 of this 2007 Act does not apply to signature sheets on an**
 10 **initiative or referendum petition that, if filed with the required number of signatures of**
 11 **electors, will be submitted to the people at an election held prior to or at the general election**
 12 **held on the first Tuesday after the first Monday in November 2008.**

13 (b) Section 2 of this 2007 Act applies to signature sheets on an initiative or referendum
 14 petition that, if filed with the required number of signatures of electors, will be submitted
 15 to the people at an election occurring after the first Tuesday after the first Monday in No-
 16 vember 2008, regardless of when the prospective petition for the initiative or referendum
 17 petition is filed.

18 (c) Section 2 of this 2007 Act applies to signature sheets on a recall petition for which a
 19 prospective petition is filed on or after the effective date of this 2007 Act.

20 (d) Section 2 of this 2007 Act applies to candidate nominating petitions or certificates of
 21 nomination circulated on or after the effective date of this 2007 Act.

22 (2)(a) Section 4 of this 2007 Act does not apply to persons who pay or receive money or
 23 other valuable consideration for obtaining signatures of electors on a state initiative or ref-
 24 erendum petition that, if filed with the required number of signatures of electors, will be
 25 submitted to the people at the general election held on the first Tuesday after the first
 26 Monday in November 2008.

27 (b) Section 4 of this 2007 Act applies to persons who pay or receive money or other val-
 28 uable consideration for obtaining signatures of electors on a state initiative or referendum
 29 petition that, if filed with the required number of signatures of electors, will be submitted
 30 to the people at a general election occurring after the first Tuesday after the first Monday
 31 in November 2008, regardless of when the prospective petition for the initiative or referen-
 32 dum petition is filed.

33 (c) Section 4 of this 2007 Act applies to persons who pay or receive money or other val-
 34 uable consideration for obtaining signatures of electors on a state recall petition for which
 35 a prospective petition is filed on or after the effective date of this 2007 Act.

36 (3)(a) Section 5 of this 2007 Act does not apply to a state initiative or referendum petition
 37 or to persons obtaining signatures on a state initiative or referendum petition that, if filed
 38 with the required number of signatures of electors, will be submitted to the people at the
 39 general election held on the first Tuesday after the first Monday in November 2008.

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

45 (c) Section 5 of this 2007 Act applies to a state recall petition and to persons obtaining

1 signatures on a state recall petition for which a prospective petition is filed on or after the
2 effective date of this 2007 Act.

3 (4)(a) The amendments to ORS 250.045 by section 6 of this 2007 Act do not apply to a state
4 initiative or referendum petition that, if filed with the required number of signatures of
5 electors, will be submitted to the people at the general election held on the first Tuesday
6 after the first Monday in November 2008.

7 (b) The amendments to ORS 250.045 by section 6 of this 2007 Act apply to a state initi-
8 ative or referendum petition that, if filed with the required number of signatures of electors,
9 will be submitted to the people at a general election occurring after the first Tuesday after
10 the first Monday in November 2008, regardless of when the prospective petition for the ini-
11 tiative or referendum petition is filed.

12 SECTION 8. This 2007 Act being necessary for the immediate preservation of the public
13 peace, health and safety, an emergency is declared to exist, and this 2007 Act takes effect
14 on its passage.
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