

House Bill 3266

Sponsored by Representative GREENLICK; Senator G GEORGE

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**.

Deletes requirement that signatures on statement of sponsorship accompanying initiative prospective petition and on state initiative and referendum petitions be verified by county clerks. Directs Secretary of State to verify all signatures.

Deletes requirement that signature sheets on state initiative and referendum petitions be separated by county.

A BILL FOR AN ACT

1
2 Relating to election petitions; creating new provisions; and amending ORS 250.045 and 250.105.

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

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

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

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

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

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

22 (3) The cover of an initiative or referendum petition shall designate the name and residence
23 address of not more than three persons as chief petitioners and shall contain instructions for per-
24 sons obtaining signatures of electors on the petition. The instructions shall be adopted by the Sec-
25 retary of State by rule. The cover of a referendum petition shall contain the final measure summary
26 described in ORS 250.065 (1). If a petition seeking a different ballot title is not filed with the Su-
27 preme Court by the deadline for filing a petition under ORS 250.085, the cover of an initiative peti-
28 tion shall contain the ballot title described in ORS 250.067 (2). However, if the Supreme Court has
29 reviewed the ballot title, the cover of the initiative petition shall contain the title certified by the
30 court.

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

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

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

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

13 *[(b) Each sheet of signatures on an initiative or referendum petition shall:]*

14 *[(A) Contain only the signatures of electors of one county; and]*

15 *[(B)]* (b) If one or more persons will be paid for obtaining signatures of electors on the petition,
 16 **each sheet of signatures on an initiative or referendum petition shall** contain a notice stating:
 17 “Some Circulators For This Petition Are Being Paid.” The notice shall be in boldfaced type and shall
 18 be prominently displayed on the sheet.

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

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

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

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

31 **SECTION 2.** ORS 250.105 is amended to read:

32 250.105. (1) An initiative or referendum petition relating to a state measure *[shall]* **must** be filed
 33 with the Secretary of State for the purpose of verifying whether the petition contains the required
 34 number of signatures of electors. The filed petition *[shall]* **must** contain only original signatures.
 35 **The secretary shall verify signatures on** each petition *[shall be verified]* in the order in which the
 36 petitions are filed with the secretary.

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

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

44 (4) The Secretary of State by rule shall designate a statistical sampling technique to verify
 45 whether a petition contains the required number of signatures of electors. A petition *[shall]* **may**

1 not be rejected for the reason that it contains less than the required number of signatures unless
 2 two separate sampling processes both establish that the petition lacks the required number of sig-
 3 natures. The second sampling must contain a larger number of signatures than the first sampling.
 4 If two samplings are required under this subsection, the total number of signatures verified on the
 5 petition *[shall be]* **may not be** less than five percent of the total number of signatures on the peti-
 6 tion.

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

15 (6) When verifying signatures for a state initiative or referendum petition, the *[county clerk]*
 16 **Secretary of State** shall identify on an elector’s voter registration record or other database that
 17 the elector signed the specific initiative or referendum petition.

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

20 **SECTION 3. The amendments to ORS 250.045 and 250.105 by sections 1 and 2 of this 2007**
 21 **Act apply to:**

22 (1) **Initiative petitions for which prospective petitions are filed on or after the effective**
 23 **date of this 2007 Act; and**

24 (2) **Initiative and referendum petitions that are filed for verification of signatures on or**
 25 **after the effective date of this 2007 Act, regardless of when the prospective petition was filed.**
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