

Senate Bill 125

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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**.

Directs chief petitioners of state initiative petition to confer with Legislative Counsel regarding legal and drafting issues raised by petition. Allows chief petitioners to amend initiative petition.

Reduces number of signatures of electors necessary to request initiative petition drafting assistance from Legislative Counsel.

A BILL FOR AN ACT

1
2 Relating to state initiative petitions; creating new provisions; and amending ORS 173.140, 250.045
3 and 250.065.

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

5 **SECTION 1.** ORS 250.065 is amended to read:

6 250.065. (1) When a prospective petition for a state measure to be referred is filed with the
7 Secretary of State, the secretary shall authorize the circulation of the petition using the final
8 measure summary of the latest version of the printed, engrossed measure in lieu of the ballot title.
9 After the referendum petition has been filed containing the required number of verified signatures,
10 the Secretary of State immediately shall send two copies of the prospective petition to the Attorney
11 General.

12 (2) [*When*] **Not later than the next business day after** an approved prospective petition for
13 a state measure to be initiated is filed with the Secretary of State, the secretary [*immediately*] shall
14 send two copies [*of it*] **each** to the Attorney General **and the Legislative Council**.

15 (3) **Not later than the 20th business day after receiving copies of the prospective petition**
16 **for a state measure to be initiated, the Legislative Council shall confer or attempt to confer**
17 **in any fashion with the chief petitioners of the state measure to be initiated. The Legislative**
18 **Counsel shall provide the chief petitioners with comments on any legal or drafting issues the**
19 **Legislative Counsel identifies concerning the format or contents of the state measure to be**
20 **initiated. The Legislative Council need not confer with the chief petitioners if the Legislative**
21 **Counsel drafted the state measure to be initiated or does not identify any legal or drafting**
22 **issues with the state measure to be initiated.**

23 (4) **The chief petitioners of a state measure to be initiated may amend the state measure**
24 **to be initiated without filing another prospective petition. If the chief petitioners amend the**
25 **state measure to be initiated, the chief petitioners must file the amended state measure to**
26 **be initiated with the Secretary of State not later than the fifth business day after the dead-**
27 **line for conferring with the Legislative Counsel under subsection (3) of this section. Not later**
28 **than the next business day after receiving the amended state measure to be initiated, the**
29 **secretary shall send two copies of the amended state measure to be initiated to the Attorney**

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 **General.**

2 [(3)] (5) Not later than the fifth business day after [*receiving the copies of the prospective petition*
3 *for a state measure to be initiated*] **the deadline for filing the amended state measure to be ini-**
4 **tiated under subsection (4) of this section**, the Attorney General shall provide a draft ballot title
5 for the state measure to be initiated and return one copy of the prospective petition and the ballot
6 title to the Secretary of State.

7 [(4)] (6) Not later than the 10th business day after receiving the copies of the prospective peti-
8 tion for a state measure to be referred, the Attorney General shall provide a draft ballot title for
9 the state measure to be referred and return one copy of the prospective petition and the draft ballot
10 title to the Secretary of State.

11 **SECTION 2.** ORS 250.045 is amended to read:

12 250.045. (1) Before circulating a petition to initiate or refer a state measure under section 1,
13 Article IV[,] **of the** Oregon Constitution, the petitioner shall file with the Secretary of State a pro-
14 spective petition.

15 (2) The prospective petition for a state measure to be initiated shall contain a statement of
16 sponsorship signed by at least 25 electors. The statement of sponsorship shall be attached to a full
17 and correct copy of the measure to be initiated. The signatures in the statement of sponsorship must
18 be accompanied by a certificate of the county clerk of each county in which the electors who signed
19 the statement reside, stating the number of signatures believed to be genuine. The Secretary of State
20 shall date and time stamp the prospective petition and specify the form on which the petition shall
21 be printed for circulation. The secretary shall approve or disapprove the form of any petition sig-
22 nature sheet within five business days after the signature sheet is submitted for review by the sec-
23 retary. The secretary shall retain the prospective petition.

24 [(2) *The chief petitioner may amend the proposed initiated measure filed with the Secretary of State*
25 *without filing another prospective petition, if:*]

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

28 [(b) *The deadline for submitting written comments on the draft title has not passed.*]

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

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

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

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

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

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

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

6 (A) Contain only the signatures of electors of one county; and

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

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

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

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

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

22 **SECTION 3.** ORS 173.140 is amended to read:

23 173.140. The Legislative Counsel shall cooperate with the proponents of an initiative [*measure*
 24 *in its preparation*] **petition in the preparation of the petition** when:

25 (1) Requested in writing so to do by [50] **25** or more electors proposing the [*measure*] **petition**;
 26 and

27 (2) In the judgment of the committee there is reasonable probability that the [*measure*] **petition**
 28 will be submitted to the electors of the state under the laws relating to the submission of initiative
 29 measures.

30 **SECTION 4.** (1) **The amendments to ORS 173.140, 250.045 and 250.065 by sections 1 to 3**
 31 **of this 2007 Act do not apply to any initiative petition that, if filed with the Secretary of State**
 32 **with the required number of signatures of qualified electors, will be submitted to the people**
 33 **at the general election held on November 4, 2008.**

34 (2) **The amendments to ORS 173.140, 250.045 and 250.065 by sections 1 to 3 of this 2007**
 35 **Act apply to any initiative petition for which a prospective petition is filed on or after the**
 36 **effective date of this 2007 Act and that, if filed with the Secretary of State with the required**
 37 **number of signatures of qualified electors, will be submitted to the people at an election oc-**
 38 **curing after November 4, 2008.**