

# Senate Bill 866

Sponsored by Senator WESTLUND

## 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**.

Requires persons being paid to obtain signatures on state initiative, referendum or recall petition to register with Secretary of State, complete training program, receive authorization from chief petitioner and display registration information.

Directs chief petitioner to file signature sheets on basis of county and basis of person who collected signatures. Requires that signature sheets circulated by paid person be accompanied by evidence that person was not paid on per-signature basis.

## A BILL FOR AN ACT

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

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

4 **SECTION 1. Section 2 of this 2007 Act is added to and made a part of ORS chapter 250.**

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

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

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

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

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

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

17 (c) **An example of the signature of the applicant;**

18 (d) **A telephone number for the applicant;**

19 (e) **Evidence indicating that the applicant has completed the training required by the**  
20 **secretary by rule; and**

21 (f) **A statement signed by a chief petitioner of each petition upon which the applicant**  
22 **will gather signatures acknowledging that the applicant is authorized to collect signatures**  
23 **on the petition.**

24 (3) **If an applicant complies with subsection (2) of this section, the secretary shall regis-**  
25 **ter the applicant.**

26 (4) **A person registered under this section shall display visible evidence of registration**  
27 **on the person while the person is obtaining signatures on a state initiative, referendum or**  
28 **recall petition. The evidence of registration shall contain contact information for the person**  
29 **who is paying money or valuable consideration for the purpose of obtaining signatures on the**

**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 **petition. The secretary by rule shall designate the form of the identification.**

2 (5) **A person other than a person authorized by a chief petitioner of a state initiative,**  
 3 **referendum or recall petition may not receive money or other valuable consideration for**  
 4 **obtaining signatures of electors on that petition.**

5 (6) **The Secretary of State shall adopt rules:**

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

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

12 **SECTION 3.** ORS 250.105 is amended to read:

13 250.105. (1)(a) An initiative or referendum petition relating to a state measure [*shall*] **must** be  
 14 filed with the Secretary of State for the purpose of verifying whether the petition contains the re-  
 15 quired number of signatures of electors. The filed petition [*shall*] **must** contain only original signa-  
 16 tures.

17 (b) **When filing the petition, the chief petitioner shall sort the signature sheets on the**  
 18 **basis of county and on the basis of the name of the person who obtained the signatures on**  
 19 **the sheet.**

20 (c) **Signature sheets circulated by a person who was paid money or other valuable con-**  
 21 **sideration to obtain the signatures must be accompanied by evidence showing that the per-**  
 22 **son was not paid based on the number of signatures obtained on the petition. Signature**  
 23 **sheets not accompanied by the required evidence may not be counted under this section.**

24 (d) Each petition shall be verified in the order in which the petitions are filed with the secre-  
 25 tary.

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

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

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

41 (5) For purposes of estimating the number of duplicate signatures contained in a petition, the  
 42 Secretary of State shall apply at least an eight percent duplication rate in the first sampling of  
 43 signatures on all petitions. If a second sampling of signatures is required under subsection (4) of this  
 44 section, the secretary shall calculate an estimated signature duplication rate for each petition for  
 45 which a second sampling is required. For purposes of calculating an estimated signature duplication

1 rate for each petition for which a second sampling is required, the county clerks shall report to the  
2 secretary the number of electors determined to have signed a specific petition more than once.

3 (6) When verifying signatures for a state initiative or referendum petition, the county clerk **or**  
4 **the Secretary of State** shall identify on an elector's voter registration record or other database  
5 that the elector signed the specific initiative or referendum petition.

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

8 **SECTION 4. (1)(a) Section 2 of this 2007 Act does not apply to persons who pay or receive**  
9 **money or other valuable consideration for obtaining signatures of electors on a state initi-**  
10 **ative or referendum petition that, if filed with the required number of signatures of electors,**  
11 **will be submitted to the people at the general election held on the first Tuesday after the**  
12 **first Monday in November 2008.**

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

19 (c) Section 2 of this 2007 Act applies to persons who pay or receive money or other val-  
20 uable consideration for obtaining signatures of electors on a state recall petition for which  
21 a prospective petition is filed on or after the effective date of this 2007 Act.

22 (2) The amendments to ORS 250.105 by section 3 this 2007 Act apply to:

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

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