

**REVENUE: No revenue impact**

**FISCAL: Minimal fiscal impact, no statement issued**

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**Action:** Do Pass as Amended and Be Printed Engrossed

**Vote:** 5 - 0 - 3

**Yeas:** Edwards C., Garrard, Jenson, Read, Roblan

**Nays:** 0

**Exc.:** Berger, Gelsner, Nolan

**Prepared By:** Jerry Watson, Administrator

**Meeting Dates:** 3/25, 3/27, 5/4

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**WHAT THE MEASURE DOES:** Requires chief petitioners on prospective petition for a state measure to file statement declaring whether persons will be paid for obtaining elector signatures. Requires paid signature gatherers on prospective initiative petition to register with Secretary of State and complete training program. Requires Department of State Police to provide Secretary of State with information concerning criminal background of applicant for registration. Prohibits registration of person who during the five-year period prior to date of application has (a) been convicted of criminal offense involving fraud, forgery or identification theft, (b) had a civil penalty imposed under ORS 260.995 for violation of ORS 250.048 or ORS 260.262, or (c) had a civil or criminal penalty imposed for violation of a statute subject to criminal penalty under ORS 260.993. Prohibits paid signature gatherers from obtaining signatures at the same time on petition or prospective petition for which the person is not being paid and prohibits including signatures obtained in violation of this provision from being counted to determine whether required number of elector signatures have been obtained. Directs Secretary of State to prepare official templates for cover and signature sheets for prospective petitions for state measures. Requires use of official templates by signature gatherers. Requires chief petitioner to file signature sheets with Secretary of State on a monthly basis. Clarifies that volunteers are not subject to rolling turn-in requirements. Prohibits Secretary of State from counting petition signatures obtained by persons who during five-year period prior to obtaining signatures have been convicted of certain crimes or are subject to penalties under ORS 260.993 or 260.995 for violation of election law or rule. Defines liability for instances where chief petitioners and contractors knew, or should have known, of election law violation. Increases violation penalties to \$10,000 for certain violations. Contains severability clause. Declares emergency, effective on passage.

**ISSUES DISCUSSED:**

- Provisions of measure
- Historical background of initiative legislation in Oregon and use of initiative process in other states
- Public perceptions and need to restore confidence
- Proposed change in knowledge requirement for civil actions
- Constitutional issues
- Timing/effective date (impact on petitioners currently gathering signatures)
- “inherent tension” between legislative body and initiative process
- Potential lifetime ban for petitioner gatherer for election law violation

**EFFECT OF COMMITTEE AMENDMENT:** Increases certain violation penalties to \$10,000; allows chief petitioner to designate a person to sign statements on behalf of chief petitioner. Eliminates early signature verification. Prohibits counting any signatures obtained by paid signature gatherer who simultaneously obtains signatures on a petition or prospective petition for which the person is not being paid. Narrows and defines liability for instances where chief petitioners and contractors “should have known” of a violation. Replaces five-year registration prohibition on persons with prior criminal convictions for certain crimes with expanded five-year registration and signature-counting prohibitions for persons with prior criminal convictions for certain crimes and election law violations under ORS 260.993 or 260.005. Clarifies that volunteers are not subject to rolling turn-in requirements. Adds severability clause.

5/13/2009 8:35:00 AM

*This summary has not been adopted or officially endorsed by action of the committee.*

**BACKGROUND:** The state Constitution of Oregon was adopted in 1857 by a vote of more than two to one. The state constitution was not amended until 1902, when the voters approved an amendment establishing the initiative and referendum process for approving both statutory measures and constitutional amendments. This made changing the constitution easier. The initiative process gives direct legislative power to the voters to enact new laws, change existing laws, or amend the Oregon Constitution. Since 1902 the Oregon constitution has been amended more than a hundred times. The initiative process has been used more frequently in recent decades than it was used previously.

During the 2007 the Legislative Assembly adopted HB 2082, a measure making a number of changes to Oregon's initiative process. HB 2082, among other provisions, required paid signature-gatherers to register and complete training with the Secretary of State (SOS). That measure also prohibited persons convicted of fraud, forgery, or identity theft within the previous five years from being paid signature gatherers.