

REVENUE: No revenue impact

FISCAL: Minimal fiscal impact, no statement issued

Action: Do Pass the A-Engrossed Measure

Vote: 3 - 2 - 0

Yeas: Burdick, Metsger, Devlin

Nays: Atkinson, Ferrioli

Exc.: -

Prepared By: Erin Seiler, Administrator

Meeting Dates: 5/26, 5/29

WHAT THE MEASURE DOES: Requires person being paid to obtain signatures on a prospective petition for a state measure to register with Secretary of State and complete training program. Prohibits registration, by the Secretary of State, of a person who during the five-year period prior to date of an application had been convicted of certain criminal offenses involving fraud, forgery or identification theft or who has had a civil or criminal penalty imposed against them for violations of election law. Requires Department of State Police to provide Secretary of State with information concerning criminal background of applicant for registration. Prohibits person from gathering signatures for prospective petition for which the person is being paid, at the same time for one the person is not being paid. Prohibits including signatures obtained in violation of this provision from being counted. Directs Secretary of State to prepare official templates for cover and signature sheets for prospective petitions for state measures. Requires signatures gatherers to use official templates. Requires chief petitioner to file signature sheets with Secretary of State on a monthly basis. Defines liability for instances where chief petitioners and contractors knew, or should have known, of election law violation. Increases penalties to \$10,000 for certain election law violations. Contains severability clause. Declares emergency, effective on passage.

ISSUES DISCUSSED:

- Constitutionality of concurrent civil and criminal penalties
- Whether certificated petitions are public record
- Liability of the chief petitioner for election law violations of employees
- Frequency harassment of individuals who have signed petitions
- Work load of Elections Division

EFFECT OF COMMITTEE AMENDMENT: No amendment.

BACKGROUND: Oregon's original 1857 constitution was not amended until 1902, when voters established the initiative and referendum process for approving both statutory measures and constitutional amendments. 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.

House Bill 2082 (2007), known as the Initiative Reform Modernization Act (IRMA), required paid signature-gatherers to register and complete training with the Secretary of State. The measure also prohibited persons convicted of fraud, forgery, or identity theft within the previous five years from being paid signature gatherers and required chief petitioners and signature-gatherers to use cover and signature sheet templates prepared by the Secretary of State.

House Bill 2005-A expands on the 2007 reforms by adding prospective petitions to the IRMA provisions for hiring paid signature gatherers and requiring chief petitioners to follow the same reporting procedures as for initiative petitions. The measure expands the authority of the Secretary of State to prevent forgery and fraudulent activity by requiring comprehensive background checks, allowing concurrent civil and criminal enforcement of election violations, and makes chief petitioners liable when they "should have known" that a circulator has broken the law.

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