

A-Engrossed
House Bill 2005

Ordered by the House May 13
Including House Amendments dated May 13

Sponsored by COMMITTEE ON RULES (at the request of Secretary of State Kate Brown)

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.

Requires that person being paid to obtain signatures on prospective petition for state measure to be initiated must register with Secretary of State and complete training program. Extends period of time within which secretary must register applicant to obtain signatures on any state petition to five days.

Directs Secretary of State to prepare official templates of cover and signature sheets for prospective petitions for state measures to be initiated.

Directs chief petitioner of state initiative petition to file signature sheets with Secretary of State each month. [*Allows secretary to begin verification of signatures if secretary determines that at least 50 percent of total number of signatures required on state initiative petition have been filed.*]

Prohibits Secretary of State from counting signatures obtained by persons who have been convicted of certain crimes or subject to penalty for violation of election law or rule.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to election petitions; creating new provisions; amending ORS 250.029, 250.045, 250.048,
3 250.052, 250.105, 260.262, 260.561, 260.563, 260.567, 260.665 and 260.995; and declaring an emer-
4 gency.

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

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

7 250.045. (1) Before circulating a petition to initiate or refer a state measure under section 1,
8 Article IV, Oregon Constitution, the petitioner shall file with the Secretary of State a prospective
9 petition. The prospective petition for a state measure to be initiated shall contain [*a statement of*
10 *sponsorship signed by*] **the signatures of** at least 1,000 electors. The [*statement of sponsorship*
11 *shall*] **signature sheets must** be attached to a full and correct copy of the measure to be initiated.

12 **(2) Before obtaining signatures on a prospective petition for a state measure to be initi-**
13 **ated, the chief petitioners shall file with the secretary a statement declaring whether one**
14 **or more persons will be paid money or other valuable consideration for obtaining signatures**
15 **of electors on the prospective petition. After a statement has been filed under this sub-**
16 **section, the chief petitioners shall notify the secretary not later than the 10th day after any**
17 **of the chief petitioners first has knowledge or should have had knowledge that:**

18 **(a) Any person is being paid for obtaining signatures, when the statement filed under this**
19 **subsection declared that no such person would be paid.**

20 **(b) No person is being paid for obtaining signatures, when the statement filed under this**
21 **subsection declared that one or more such persons would be paid.**

22 [(2)] **(3)** The secretary by rule shall establish procedures for verifying whether [*the statement of*

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 *sponsorship*] **a prospective petition for a state measure to be initiated** contains the required
2 number of signatures of electors.

3 [(3)] (4) The secretary shall date and time stamp the prospective petition and specify the form
4 on which the initiative or referendum petition shall be printed for circulation as provided in ORS
5 250.052. The secretary shall retain the prospective petition.

6 [(4)] (5) The chief petitioner may amend the state measure to be initiated that has been filed
7 with the secretary without filing another prospective petition, if:

8 (a) The Attorney General certifies to the secretary that the proposed amendment will not sub-
9 stantially change the substance of the measure; and

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

11 [(5)] (6) The cover of an initiative or referendum petition shall designate the name and residence
12 address of not more than three persons as chief petitioners and shall contain instructions for per-
13 sons obtaining signatures of electors on the petition. The instructions shall be adopted by the sec-
14 retary by rule. The cover of a referendum petition shall contain the final measure summary
15 described in ORS 250.065 (1). If a petition seeking a different ballot title is not filed with the Su-
16 preme Court by the deadline for filing a petition under ORS 250.085, the cover of an initiative peti-
17 tion shall contain the latest ballot title certified by the Attorney General under ORS 250.067 (2).
18 However, if the Supreme Court has reviewed the ballot title, the cover of the initiative petition shall
19 contain the title certified by the court.

20 [(6)] (7) The chief petitioners shall include with the prospective petition a statement declaring
21 whether one or more persons will be paid money or other valuable consideration for obtaining sig-
22 natures of electors on the initiative or referendum petition. After the prospective petition is filed,
23 the chief petitioners shall notify the filing officer not later than the 10th day after any of the chief
24 petitioners first has knowledge or should have had knowledge that:

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

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

29 [(7)(a)] (8)(a) Each sheet of signatures on an initiative petition shall contain the caption of the
30 ballot title. Each sheet of signatures on a referendum petition shall contain the subject expressed
31 in the title of the Act to be referred.

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

33 (A) Contain a notice describing the meaning of the color of the signature sheet in accordance
34 with ORS 250.052; and

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

38 (c) The secretary by rule shall adopt a method of designation to distinguish signature sheets of
39 referendum petitions containing the same subject reference and being circulated during the same
40 period.

41 [(8)] (9) The reverse side of the cover of an initiative or referendum petition shall be used for
42 obtaining signatures on the initiative or referendum petition.

43 [(9)] (10) Not more than 20 signatures on the signature sheet of the initiative or referendum
44 petition may be counted. The circulator shall certify on each signature sheet of the initiative or
45 referendum petition that the circulator:

1 (a) Witnessed the signing of the signature sheet by each individual whose signature appears on
2 the signature sheet; and

3 (b) Believes each individual is an elector.

4 [(10)] (11) The person obtaining signatures on the petition shall carry at least one full and cor-
5 rect copy of the measure to be initiated or referred and shall allow any person to review a copy
6 upon request of the person.

7 **SECTION 2.** ORS 250.048 is amended to read:

8 250.048. (1) A person may not pay money or other valuable consideration to another person for
9 obtaining signatures of electors on a state initiative, referendum or recall petition **or a prospective**
10 **petition for a state measure to be initiated**, and a person may not receive money or other valu-
11 able consideration for obtaining signatures of electors on a state initiative, referendum or recall
12 petition **or a prospective petition for a state measure to be initiated**, unless the person obtaining
13 the signatures:

14 (a) Registers with the Secretary of State in the manner prescribed by this section and by rule
15 of the secretary; and

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

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

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

20 (b) The residential street address of the applicant;

21 (c) An example of the signature of the applicant;

22 **(d) A list of the prospective petitions on which the applicant will gather signatures;**

23 [(d)] **(e)** A list of the initiative, referendum and recall petitions on which the applicant will
24 gather signatures;

25 [(e)] **(f)** If the applicant has been convicted for a criminal offense involving fraud, forgery or
26 identification theft, information relating to the circumstances of the conviction as required by the
27 secretary;

28 [(f)] **(g)** A statement signed by the applicant acknowledging that the applicant has read and
29 understands Oregon law applicable to the gathering of signatures on state initiative, referendum and
30 recall petitions **and prospective petitions for state measures to be initiated**, as the law is sum-
31 marized in the training program established by the Secretary of State;

32 [(g)] **(h)** Evidence indicating that the applicant has completed the training required by the sec-
33 retary by rule;

34 [(h)] **(i)** A photograph of the applicant; and

35 [(i)] **(j)** A statement signed by a chief petitioner of each petition **or prospective petition, or a**
36 **person designated by a chief petitioner under this paragraph**, upon which the applicant will
37 gather signatures acknowledging that the chief petitioner is liable for violations of law or rule
38 committed by the person obtaining signatures as provided in ORS 260.561. **A chief petitioner may**
39 **designate a person to sign a statement described in this paragraph on behalf of the chief**
40 **petitioner. A person designated under this paragraph incurs no liability for violations of law**
41 **or rule committed by the person obtaining the signatures.**

42 (3)(a) If an applicant complies with subsection (2) of this section, not later than [two] five
43 business days after the applicant applies, the secretary shall register the applicant and assign the
44 applicant a registration number.

45 **(b) A person who is registered to obtain signatures on a prospective petition for a state**

1 **measure to be initiated need not reapply for a registration under this section in order to**
2 **obtain signatures on a state initiative, referendum or recall petition, except that the person**
3 **shall submit a list of the initiative, referendum and recall petitions on which the person will**
4 **gather signatures.**

5 **(c) A registration issued by the secretary under this section is valid until the date that**
6 **is four months before the next general election.**

7 (4) *[A person who has been convicted for a criminal offense involving fraud, forgery or identifica-*
8 *tion theft in any state during the five-year period prior to the date of the application may not apply for*
9 *registration under this section.]* **A person may not apply for registration under this section if,**
10 **during the five-year period prior to the date of application, the person:**

11 **(a) Has been convicted for a criminal offense involving fraud, forgery or identification**
12 **theft in any state;**

13 **(b) Has had a civil penalty imposed under ORS 260.995 for a violation of this section or**
14 **ORS 260.262; or**

15 **(c) Has had a civil or criminal penalty imposed for violation of a statute subject to a**
16 **criminal penalty under ORS 260.993.**

17 **(5) To assist in determining the identity of an applicant or whether an applicant has been**
18 **convicted for a criminal offense described in subsection (4) of this section, upon consent of**
19 **the applicant and upon request of the secretary, the Department of State Police shall furnish**
20 **to the secretary any information that the department may have in its possession from its**
21 **central bureau of criminal identification, including but not limited to the Law Enforcement**
22 **Data System established in ORS 181.730, other computerized information and any other in-**
23 **formation to which the department may have access. For purposes of receiving the infor-**
24 **mation described in this subsection, the office of the Secretary of State is a “criminal justice**
25 **agency” under ORS 181.010 to 181.560 and 181.715 to 181.730 and the rules adopted under ORS**
26 **181.555. Upon submitting an application for registration described in subsection (2) of this**
27 **section, an applicant is deemed to have given the consent necessary for purposes of this**
28 **subsection.**

29 [(5)] **(6) If a person receives money or other valuable consideration for obtaining signatures of**
30 **electors on a state initiative, referendum or recall petition or a prospective petition for a state**
31 **measure to be initiated and the person was not registered as required under this section at the**
32 **time the signatures were obtained, the secretary may not [count the] include any signatures ob-**
33 **tained by the person in a count under ORS 250.045 (3) or 250.105 or ORS chapter 249 for purposes**
34 **of determining whether the petition or prospective petition contains the required number of sig-**
35 **natures of electors.**

36 [(6)] **(7) A person registered under this section shall carry evidence of registration with the**
37 **person while the person is obtaining signatures on a state initiative, referendum or recall petition**
38 **or a prospective petition for a state measure to be initiated.** The evidence of registration shall
39 contain the photograph and registration number of the person. The secretary by rule shall designate
40 the form of the evidence of registration.

41 [(7)] **(8) A photograph of an applicant submitted under subsection (2) of this section shall:**

42 (a) Be a conventional photograph with a plain background;

43 (b) Show the face or the face, neck and shoulders of the applicant; and

44 (c) Be prepared and processed for printing as prescribed by the secretary.

45 **(9) A person registered under this section may not obtain signatures on a petition or**

1 **prospective petition for which the person is being paid and, at the same time, obtain signa-**
2 **tures on a petition or prospective petition for which the person is not being paid. The sec-**
3 **retary may not include any signatures obtained in violation of this subsection in a count**
4 **under ORS 250.045 (3) or 250.105 or ORS chapter 249 for purposes of determining whether a**
5 **state initiative, referendum or recall petition or a prospective petition for a state measure**
6 **to be initiated contains the required number of signatures of electors.**

7 [(8)] (10) The secretary shall adopt rules necessary to implement this section, including rules:

8 (a) Establishing procedures for registering persons who may be paid money or other valuable
9 consideration for obtaining signatures of electors on state initiative, referendum or recall petitions
10 **or prospective petitions for state measures to be initiated;** and

11 (b) Establishing a training program for persons who may be paid money or other valuable con-
12 sideration for obtaining signatures of electors on state initiative, referendum or recall petitions **or**
13 **prospective petitions for state measures to be initiated.**

14 **SECTION 3.** ORS 250.052 is amended to read:

15 250.052. (1)(a) For each state initiative, referendum or recall petition, the Secretary of State
16 shall prepare official templates of the cover and signature sheets for the petition. Except as pro-
17 vided in this section, templates of cover and signature sheets for state initiative and referendum
18 petitions are subject to the requirements of ORS 250.045. The templates of signature sheets to be
19 used by persons who are being paid to obtain signatures on the petition shall be a different color
20 from the sheets to be used by persons who are not being paid to obtain signatures on the petition.

21 **(b) For each prospective petition for a state measure to be initiated the secretary shall**
22 **prepare official templates of the cover and signature sheets. The templates of signature**
23 **sheets to be used by persons who are being paid to obtain signatures on the prospective pe-**
24 **tion shall be a different color from the sheets to be used by persons who are not being paid**
25 **to obtain signatures on the prospective petition. Each signature sheet for the prospective**
26 **petition shall:**

27 **(A) Contain a notice describing the meaning of the color of the signature sheet; and**

28 **(B) If one or more persons will be paid for obtaining signatures of electors on the pro-**
29 **spective petition, contain a notice stating: "Some Circulators For This Prospective Petition**
30 **Are Being Paid." The notice shall be in boldfaced type and shall be prominently displayed on**
31 **the sheet.**

32 (2) A person obtaining signatures on a state initiative, referendum or recall petition **or a pro-**
33 **spective petition for a state measure to be initiated** may use only the cover and signature sheets
34 contained in the official templates prepared for the petition **or prospective petition.** A person who
35 is being paid to obtain signatures on the petition **or prospective petition** shall use the signature
36 sheet template designated for use by persons being paid to obtain signatures. A person who is not
37 being paid to obtain signatures on the petition **or prospective petition** shall use the signature sheet
38 template designated for use by persons who are not being paid to obtain signatures.

39 (3) The secretary shall issue templates for a petition **or prospective petition** only to a chief
40 petitioner of the petition **or prospective petition** or to an agent designated by a chief petitioner.

41 (4) The secretary shall issue official templates to a chief petitioner or designated agent not later
42 than:

43 (a) Three business days after the deadline for filing a petition under ORS 250.085 relating to a
44 ballot title certified by the Attorney General for the state initiative petition or, if a petition is filed
45 with the Supreme Court under ORS 250.085, three business days after the Supreme Court certifies

1 to the Secretary of State a ballot title for the state initiative petition; *[or]*

2 (b) Three business days after a prospective petition is filed under ORS 249.865 or 250.045 for a
3 state recall petition or state referendum petition[.]; **or**

4 (c) **Three business days after the chief petitioner files a statement with the secretary**
5 **under ORS 250.045 (2) for a prospective petition for a state measure to be initiated.**

6 (5) Not later than five business days after the deadline for the secretary to issue templates un-
7 der subsection (4) of this section, a chief petitioner of a state initiative, referendum or recall petition
8 **or a prospective petition for a state measure to be initiated** may submit to the secretary a
9 written request for modification of the templates. The secretary shall approve or disapprove the
10 request not later than five business days after receiving the request. If the secretary disapproves the
11 request, the secretary shall advise the chief petitioner in writing of the reasons for the disapproval.

12 (6) In addition to the templates prepared under subsections (1) to (5) of this section, for each
13 state initiative, referendum or recall petition, the secretary shall prepare an official electronic
14 template of a signature sheet for the petition. A template prepared under this subsection shall allow
15 space for the signature of one elector. An elector may print a copy of the electronic signature sheet
16 for a petition, sign the sheet and deliver the signed sheet to a chief petitioner or an agent desig-
17 nated by a chief petitioner. Electronic templates described in this subsection are subject to the re-
18 quirements of ORS 250.045, other than ORS 250.045 [(5), (8) and (9)] **(6), (9) and (10).**

19 (7) The secretary shall adopt rules prescribing the contents and method of production of official
20 templates required under this section.

21 **SECTION 4.** ORS 260.262 is amended to read:

22 260.262. (1) As used in this section, "accounts" means:

23 (a) Any contract entered into by a chief petitioner of an initiative or referendum petition and
24 any person for purposes of obtaining signatures on the **initiative or referendum petition or on a**
25 **prospective petition for a state measure to be initiated;**

26 (b) Any employment manual or training materials provided to persons who obtain signatures on
27 the petition **or prospective petition;**

28 (c) Payroll records for each employee obtaining signatures on the petition **or prospective pe-**
29 **tion** showing hours worked, number of signatures collected and amounts paid;

30 (d) Records identifying the amount and purpose of each payment made by the chief petitioner
31 or any contractor, as defined in ORS 260.563, to any subcontractor, as defined in ORS 260.563, ob-
32 taining signatures on the petition **or prospective petition;** and

33 (e) Copies of signature sheets circulated by persons who are being paid to obtain signatures on
34 the petition **or prospective petition.**

35 (2) For purposes of enforcing section 1b, Article IV of the Oregon Constitution, a chief petitioner
36 of an initiative or referendum petition who pays any person money or other valuable consideration
37 to obtain signatures on the petition **or prospective petition** shall keep detailed accounts. The ac-
38 counts shall be current as of not later than the seventh calendar day after the date a payment is
39 made to a person for obtaining signatures on the petition **or prospective petition.**

40 (3) The Secretary of State shall review the accounts of each chief petitioner described in sub-
41 section (2) of this section in the manner and according to a regular schedule adopted by the secre-
42 tary by rule.

43 (4) In addition to the review conducted under subsection (3) of this section, the secretary, At-
44 torney General or Commissioner of the Bureau of Labor and Industries may inspect the accounts
45 of a chief petitioner described in subsection (2) of this section under reasonable circumstances at

1 any time before the deadline for filing signatures on the petition or during the period specified for
2 retention of the accounts under subsection (5) of this section. The right of inspection may be en-
3 forced by writ of mandamus issued by any court of competent jurisdiction.

4 (5) A chief petitioner must preserve the accounts pertaining to an initiative or referendum pe-
5 tition **or a prospective petition for a state measure to be initiated** for at least two years after
6 the deadline for filing the petition for verification of signatures or at least two years after the date
7 the last statement is filed under ORS 260.118, whichever is later.

8 (6) If a chief petitioner does not produce accounts under subsection (3) or (4) of this section:

9 (a) There is a rebuttable presumption that a violation of section 1b, Article IV of the Oregon
10 Constitution, has occurred; and

11 (b) The chief petitioner may not obtain additional signatures on the petition **or prospective**
12 **petition** until the chief petitioner is able to supply the accounts to the secretary, Attorney General
13 or commissioner.

14 (7) Accounts are not subject to disclosure under ORS 192.410 to 192.505.

15 **SECTION 5.** ORS 260.561 is amended to read:

16 260.561. (1)(a) If a chief petitioner of a statewide initiative or referendum petition has knowledge
17 of a violation of any provision of Oregon Revised Statutes, [or] of any rule adopted by the Secretary
18 of State under ORS chapters 246 to 260 related to the circulation of a statewide initiative or refer-
19 endum petition **or section 1b, Article IV of the Oregon Constitution**, committed by a person ob-
20 taining signatures on the chief petitioner's petition **or prospective petition**, the violation by the
21 person obtaining signatures [shall be] **is** conclusively considered a violation by the chief petitioner.

22 **(b) If a chief petitioner of a statewide initiative or referendum petition has knowledge**
23 **or should have had knowledge of a violation of ORS 250.048, 260.262, 260.555, 260.558, 260.567,**
24 **260.575, 260.665, 260.715 (1) or section 1b, Article IV of the Oregon Constitution, or any rule**
25 **adopted by the Secretary of State related to section 1b, Article IV of the Oregon Constitu-**
26 **tion, petition sheets or circulator training, registration or certification, committed by a**
27 **person obtaining signatures on the chief petitioner's petition or prospective petition or a**
28 **contractor or subcontractor, as defined in ORS 260.563, the violation by the person obtaining**
29 **signatures or the contractor or subcontractor is conclusively considered a violation by the**
30 **chief petitioner.**

31 (2) A chief petitioner [shall not be] **is not** liable under subsection (1) of this section if the chief
32 petitioner notifies the Secretary of State in writing not later than one business day after the chief
33 petitioner obtains knowledge of a potential violation. The notice shall state:

34 (a) That a potential violation has occurred;

35 (b) The nature of the potential violation; and

36 (c) All specific information known to the chief petitioner regarding the potential violation.

37 (3) If a statewide initiative or referendum petition has more than one chief petitioner, each chief
38 petitioner [with] **who has knowledge or should have had** knowledge may be held liable under
39 subsection (1) of this section.

40 *[(4) This section does not apply to a violation of law that is subject to criminal penalty.]*

41 **SECTION 6.** ORS 260.563 is amended to read:

42 260.563. (1) As used in this section:

43 (a) "Contractor" means a person who contracts on predetermined terms with a chief petitioner,
44 or a person acting on behalf of a chief petitioner, of an initiative or referendum petition **or a pro-**
45 **spective petition for a state measure to be initiated** for the purpose of obtaining signatures on

1 the petition **or prospective petition.**

2 (b) "Subcontractor" means a person who contracts on predetermined terms with a contractor for
3 the purpose of obtaining signatures on an initiative or referendum petition **or a prospective peti-**
4 **tion for a state measure to be initiated** and who has no direct contractual relationship with a
5 chief petitioner or other person acting on behalf of a chief petitioner.

6 (2) If a contractor has knowledge **or should have had knowledge** of [*an unreported*] a violation
7 of **ORS 250.048, 260.555, 260.558, 260.567, 260.575, 260.665 or 260.715 (1) or** section 1b, Article IV
8 of the Oregon Constitution, **or any rule adopted by the Secretary of State related to section**
9 **1b, Article IV of the Oregon Constitution, petition sheets or circulator training, registration**
10 **or certification**, by a subcontractor, the violation by the subcontractor is conclusively considered
11 a violation by the contractor.

12 (3) A contractor is not liable under subsection (2) of this section if the contractor notifies the
13 Secretary of State in writing not later than one business day after the contractor obtains knowledge
14 of [*an unreported*] a potential violation. The notice shall state:

- 15 (a) That a potential violation has occurred;
 - 16 (b) The nature of the potential violation; and
 - 17 (c) All specific information known to the contractor regarding the potential violation.
- 18 [*(4) This section does not apply to a violation of law that is subject to criminal penalty.*]

19 **SECTION 7.** ORS 260.567 is amended to read:

20 260.567. (1) Except as provided in subsection (2) of this section, a person other than the person
21 who signed the signature sheet of an initiative, referendum, recall or candidate nominating
22 petition, **a prospective petition for a state measure to be initiated** or a certificate of nomination
23 may not write, alter, correct, clarify or obscure on the signature sheet any information about the
24 person who signed the signature sheet.

25 (2) A person other than the person who signed the signature sheet may:

26 (a) Alter, correct, clarify or obscure on the signature sheet any information about the person
27 who signed the signature sheet if the line on which the signature appears is subsequently initialed
28 by the person who signed the signature sheet; or

29 (b) Write, alter, correct, clarify or obscure on the signature sheet any information about the
30 person who signed the signature sheet if the person who signed the signature sheet is a person with
31 a disability and requests assistance in writing, altering, correcting, clarifying or obscuring on the
32 signature sheet any information about the person.

33 (3) As used in this section:

34 (a) "Information about the person who signed the signature sheet" means any information re-
35 garding the person who signed the signature sheet of an initiative, referendum, recall or candidate
36 nominating petition, **a prospective petition for a state measure to be initiated** or a certificate
37 of nomination, in addition to the signature of the person, that is required or requested to be supplied
38 on a signature sheet of an initiative, referendum, recall or candidate nominating petition, **a pro-**
39 **spective petition** or a certificate of nomination.

40 (b) "The person who signed the signature sheet" means the person whose signature will be
41 submitted for verification under ORS chapter 249 or ORS **250.045 (3)**, 250.105, 250.215, 250.315 or
42 255.175 for the purpose of determining whether the petition, **prospective petition** or certificate
43 contains the required number of signatures of electors.

44 **SECTION 8.** ORS 250.105 is amended to read:

45 250.105. (1)(a) An initiative or referendum petition relating to a state measure must be filed with

1 the Secretary of State for the purpose of verifying whether the petition contains the required num-
2 ber of signatures of electors.

3 (b) Signatures **previously verified** on a prospective petition for a state measure to be initiated
4 shall be [*considered*] **included in the calculation** under this section for the purpose of verifying
5 whether the initiative petition contains the required number of signatures of electors.

6 (c) When filing an initiative or referendum petition, the chief petitioner shall sort the signature
7 sheets on the basis of the name of the person who obtained the signatures on the sheet.

8 (d) The secretary shall adopt rules establishing procedures for verifying signatures on an initi-
9 ative or referendum petition.

10 (e) [*The*] **A** filed initiative or referendum petition must contain only original signatures. The
11 secretary or county clerk shall verify each petition in the order in which the petitions are filed with
12 the secretary.

13 **(2)(a) Once every month, the chief petitioner of an initiative petition relating to a state**
14 **measure shall file with the secretary all signature sheets containing signatures of electors**
15 **obtained by a person being paid to obtain signatures on the petition since the previous**
16 **monthly filing. The secretary shall hold all signature sheets filed under this subsection un-**
17 **less the chief petitioner withdraws the petition.**

18 **(b) The secretary shall adopt rules prescribing the dates by which signature sheets must**
19 **be filed each month. The secretary may not accept signature sheets containing signatures**
20 **of electors obtained by a person being paid to obtain signatures on the petition before the**
21 **previous monthly filing deadline prescribed under this paragraph for purposes of determining**
22 **whether an initiative petition relating to a state measure contains the required number of**
23 **signatures of electors under this section.**

24 [(2)] **(3) The secretary may not accept [*an initiative or*] a referendum petition relating to a state**
25 **measure for filing if the petition contains less than 100 percent of the required number of signatures.**
26 **The secretary may not determine whether an initiative petition contains the required num-**
27 **ber of signatures of electors unless at least 100 percent of the required number of signatures**
28 **have been filed with the secretary.**

29 [(3)] **(4) If the total number of signatures required on an initiative petition or referendum**
30 **petition is submitted not less than 165 days before the election at which the proposed measure is**
31 **to be voted upon and if the secretary determines that insufficient signatures have been submitted**
32 **but the deadline for filing signatures on the petition has not passed, the petitioners may submit**
33 **additional signatures.**

34 [(4)] **(5) The secretary by rule shall designate a statistical sampling technique to verify whether**
35 **a petition contains the required number of signatures of electors. A petition may not be rejected for**
36 **the reason that it contains less than the required number of signatures unless two separate sampling**
37 **processes both establish that the petition lacks the required number of signatures. The second**
38 **sampling must contain a larger number of signatures than the first sampling. If two samplings are**
39 **required under this subsection, the total number of signatures verified on the petition shall be not**
40 **less than five percent of the total number of signatures on the petition.**

41 [(5)] **(6) For purposes of estimating the number of duplicate signatures contained in a petition,**
42 **the secretary shall apply at least an eight percent duplication rate in the first sampling of signatures**
43 **on all petitions. If a second sampling of signatures is required under subsection [(4)] (5) of this**
44 **section, the secretary shall calculate an estimated signature duplication rate for each petition for**
45 **which a second sampling is required. The calculation shall be based on the number of electors the**

1 secretary determines have signed a specific petition more than once.

2 [(6)] (7) When verifying signatures for a state initiative or referendum petition, the secretary
3 or county clerk shall identify on an elector's voter registration record or other database that the
4 elector signed the specific initiative or referendum petition.

5 [(7)] (8) The Secretary of State may employ professional assistance to determine the sampling
6 technique to be designated under subsection [(4)] (5) of this section.

7 **SECTION 9.** ORS 250.029 is amended to read:

8 250.029. (1) **Except as provided in subsection (2) of this section,** the chief petitioners of an
9 initiative or referendum petition may withdraw the petition at any time prior to the submission of
10 the petition for signature verification.

11 **(2) The chief petitioners of an initiative petition relating to a state measure may with-**
12 **draw the petition at any time prior to the submission of the total number of signatures re-**
13 **quired on the petition for signature verification.**

14 (3) The Secretary of State by rule shall design a form for use in filing a withdrawal of any ini-
15 tiative or referendum petition. The withdrawal form must be signed by all of the chief petitioners
16 and filed with the filing officer.

17 **SECTION 10.** ORS 260.665 is amended to read:

18 260.665. (1) As used in this section, "undue influence" means force, violence, restraint or the
19 threat of it, inflicting injury, damage, harm, loss of employment or other loss or the threat of it, or
20 giving or promising to give money, employment or other thing of value.

21 (2) A person, acting either alone or with or through any other person, may not directly or in-
22 directly subject any person to undue influence with the intent to induce any person to:

23 (a) Register or vote;

24 (b) Refrain from registering or voting;

25 (c) Register or vote in any particular manner;

26 (d) Be or refrain from or cease being a candidate;

27 (e) Contribute or refrain from contributing to any candidate, political party or political com-
28 mittee;

29 (f) Render or refrain from rendering services to any candidate, political party or political com-
30 mittee;

31 (g) Challenge or refrain from challenging a person offering to vote; *[or]*

32 (h) Apply or refrain from applying for an absentee ballot; **or**

33 **(i) Sign or refrain from signing a prospective petition or an initiative, referendum, recall**
34 **or candidate nominating petition.**

35 (3) A person may not solicit or accept money or other thing of value as an inducement to act
36 as prohibited by subsection (2) of this section.

37 (4) This section does not prohibit:

38 (a) The employment of persons to render services to candidates, political parties or political
39 committees;

40 (b) The public distribution by candidates, political parties or political committees of sample
41 ballots or other items readily available to the public without charge, even though the distributor
42 incurs costs in the distribution;

43 (c) Public or nonpromissory statements by or on behalf of a candidate of the candidate's in-
44 tentions or purposes if elected;

45 (d) A promise by a candidate to employ any person as administrative assistant, secretary or

1 other direct personal aide;

2 (e) Free custody and care of minor children of persons during the time those persons are absent
3 from those children for voting purposes;

4 (f) For persons voting, free transportation to and from places designated for the deposit of bal-
5 lots under ORS 254.470 or to and from locations described in ORS 254.472 or 254.474; but no means
6 of advertising, solicitation or inducement to influence the vote of persons transported may be used
7 with that transportation;

8 (g) Individuals or political committees from providing refreshments incidental to a gathering in
9 support of or in opposition to a candidate, political committee or measure; or

10 (h) The public distribution of registration cards by a person approved by the Secretary of State
11 under ORS 247.171 to print, copy or otherwise prepare and distribute registration cards, even though
12 the distributor incurs costs in the distribution.

13 **SECTION 11.** ORS 260.995 is amended to read:

14 260.995. (1) Except as provided in subsection (2) of this section, following an investigation under
15 ORS 260.345, the Secretary of State or Attorney General may impose a civil penalty not to exceed
16 \$250 for each violation of any provision of Oregon Revised Statutes relating to the conduct of any
17 election, any rule adopted by the secretary under ORS chapters 246 to 260 or any other matter
18 preliminary to or relating to an election, for which [no] a civil penalty is not otherwise provided.

19 (2) The secretary or the Attorney General may impose a civil penalty not to exceed:

20 (a) \$1,000 for each violation of ORS 251.049 (3) or 251.405 (3); [or]

21 (b) \$1,000 plus the amount converted to personal use for each violation of ORS 260.407; or

22 (c) **\$10,000 for each violation of ORS 260.555, 260.558, 260.575 or 260.715 (1) or section 1b,**
23 **Article IV of the Oregon Constitution.**

24 (3) Except as otherwise provided by this section, civil penalties under this section shall be im-
25 posed as provided in ORS 183.745. In addition to the requirements of ORS 183.745, the notice shall
26 include:

27 (a) A statement of the authority and jurisdiction under which the hearing is to be held; and

28 (b) If the person is an agency, corporation or an unincorporated association, a statement that
29 such person must be represented by an attorney licensed in Oregon, unless the person is a political
30 committee which may be represented by any officer identified in the most recent statement of or-
31 ganization filed with the filing officer.

32 (4) A hearing on whether to impose a civil penalty and to consider circumstances in mitigation
33 shall be held by the secretary or Attorney General:

34 (a) Upon request of the person against whom the penalty may be assessed, if the request is made
35 not later than the 20th day after the date the person received notice sent under subsection (3) of
36 this section; or

37 (b) Upon the secretary's or Attorney General's own motion.

38 (5) The person against whom a penalty may be assessed need not appear in person at a hearing
39 held under this section, but instead may submit written testimony or other evidence, sworn to before
40 a notary public, to the secretary or Attorney General for entry in the hearing record. The testimony
41 or other evidence must be received by the secretary or Attorney General not later than three
42 business days before the day of the hearing.

43 (6) All hearings under this section shall be held not later than 30 days after the deadline for the
44 person against whom the penalty may be assessed to request a hearing. However, if requested by
45 the person against whom the penalty may be assessed, a hearing under subsection (4) of this section

1 shall be held not later than 45 days after the deadline for the person against whom the penalty may
2 be assessed to request a hearing.

3 (7) The secretary or Attorney General shall issue an order not later than 90 days after a hearing
4 or after the deadline for requesting a hearing if no hearing is held.

5 (8) All penalties recovered under this section shall be paid into the State Treasury and credited
6 to the General Fund.

7 (9) In the case of a civil penalty imposed under this section for a violation of ORS 260.407, the
8 person against whom the penalty is assessed:

9 (a) Is personally responsible for the payment of the civil penalty;

10 (b) Shall pay the civil penalty from personal funds of the person; and

11 (c) May not pay the civil penalty from contributions received by a candidate or the principal
12 campaign committee of a candidate.

13 **SECTION 12. Section 13 of this 2009 Act is added to and made a part of ORS chapter 260.**

14 **SECTION 13. The Secretary of State may not include in a count under ORS 250.045 (3)
15 or 250.105 or ORS chapter 249 for purposes of determining whether an initiative, referendum
16 or recall petition or a prospective petition for a state measure to be initiated contains the
17 required number of signatures of electors, any signatures obtained by a person who the
18 secretary determines, during the five-year period prior to the date the signatures were ob-
19 tained:**

20 (1) **Has been convicted for a criminal offense involving fraud, forgery or identification
21 theft in any state;**

22 (2) **Has had a civil penalty imposed under ORS 260.995 for a violation of ORS 250.048 or
23 260.262; or**

24 (3) **Has had a civil or criminal penalty imposed for violation of a statute subject to a
25 criminal penalty under ORS 260.993.**

26 **SECTION 14. (1) The amendments to ORS 250.045 and 250.048 by sections 1 and 2 of this
27 2009 Act apply to payment or receipt of money or other valuable consideration for obtaining
28 signatures of electors on a state initiative, referendum or recall petition or prospective pe-
29 tition for a state measure to be initiated that are obtained on or after January 1, 2010.**

30 (2) **The amendments to ORS 250.052 by section 3 of this 2009 Act apply to prospective
31 petitions for state measures to be initiated that are circulated on or after January 1, 2010.**

32 **SECTION 15. (1) The amendments to ORS 260.262 by section 4 of this 2009 Act apply to
33 prospective petitions for state measures to be initiated that are circulated on or after the
34 effective date of this 2009 Act. A chief petitioner of a state measure to be initiated shall
35 maintain accounts pertaining to a prospective petition under ORS 260.262 for activities that
36 occur on or after the effective date of this 2009 Act.**

37 (2) **The amendments to ORS 260.561 and 260.563 by sections 5 and 6 of this 2009 Act apply
38 to violations that occur on or after January 1, 2010.**

39 (3) **The amendments to ORS 260.567 by section 7 of this 2009 Act apply to signature sheets
40 for prospective petitions for state measures to be initiated that are signed on or after Jan-
41 uary 1, 2010.**

42 **SECTION 16. (1) The amendments to ORS 250.105 by section 8 of this 2009 Act apply to:**

43 (a) **Signature sheets for state initiative petitions that, if filed with the required number
44 of signatures of electors, will be submitted to the people at the general election held on the
45 first Tuesday after the first Monday in November 2010.**

1 **(b) Signature sheets for state initiative petitions that, if filed with the required number**
2 **of signatures of electors, will be submitted to the people at an election held after the first**
3 **Tuesday after the first Monday in November 2010.**

4 **(2) The amendments to ORS 250.029 by section 9 of this 2009 Act apply to:**

5 **(a) State initiative petitions that, if filed with the required number of signatures of**
6 **electors, will be submitted to the people at a general election held on the first Tuesday after**
7 **the first Monday in November 2010.**

8 **(b) State initiative petitions that, if filed with the required number of signatures of**
9 **electors, will be submitted to the people at an election held after the first Tuesday after the**
10 **first Monday in November 2010.**

11 **SECTION 17. Section 13 of this 2009 Act and the amendments to ORS 250.029, 250.045,**
12 **250.048, 250.052, 250.105, 260.561, 260.563, 260.567, 260.665 and 260.995 by sections 1 to 3 and 5**
13 **to 11 of this 2009 Act become operative on January 1, 2010.**

14 **SECTION 18. The Secretary of State may take any action before January 1, 2010, that is**
15 **necessary to enable the secretary to exercise, on and after January 1, 2010, all the duties,**
16 **functions and powers conferred on the secretary by section 13 of this 2009 Act and the**
17 **amendments to ORS 250.029, 250.045, 250.048, 250.052, 250.105, 260.561, 260.563, 260.567, 260.665**
18 **and 260.995 by sections 1 to 3 and 5 to 11 of this 2009 Act.**

19 **SECTION 19. If any part of this 2009 Act is held unconstitutional, the remaining parts**
20 **shall remain in force unless the court specifically finds that the remaining parts, standing**
21 **alone, are incomplete and incapable of being executed.**

22 **SECTION 20. This 2009 Act being necessary for the immediate preservation of the public**
23 **peace, health and safety, an emergency is declared to exist, and this 2009 Act takes effect**
24 **on its passage.**

25 _____