

HOUSE AMENDMENTS TO HOUSE BILL 2005

By COMMITTEE ON RULES

May 13

1 On page 1 of the printed bill, line 3, after “260.567” insert “, 260.665”.

2 Delete lines 5 through 25 and delete pages 2 through 11 and insert:

3 “**SECTION 1.** ORS 250.045 is amended to read:

4 “250.045. (1) Before circulating a petition to initiate or refer a state measure under section 1,
5 Article IV, Oregon Constitution, the petitioner shall file with the Secretary of State a prospective
6 petition. The prospective petition for a state measure to be initiated shall contain [*a statement of*
7 *sponsorship signed by*] **the signatures of** at least 1,000 electors. The [*statement of sponsorship*
8 *shall*] **signature sheets must** be attached to a full and correct copy of the measure to be initiated.

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

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

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

19 “[*(2)*] **(3) The secretary by rule shall establish procedures for verifying whether [*the statement***
20 ***of sponsorship*] a prospective petition for a state measure to be initiated contains the required**
21 **number of signatures of electors.**

22 “[*(3)*] **(4) The secretary shall date and time stamp the prospective petition and specify the form**
23 **on which the initiative or referendum petition shall be printed for circulation as provided in ORS**
24 **250.052. The secretary shall retain the prospective petition.**

25 “[*(4)*] **(5) The chief petitioner may amend the state measure to be initiated that has been filed**
26 **with the secretary without filing another prospective petition, if:**

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

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

30 “[*(5)*] **(6) The cover of an initiative or referendum petition shall designate the name and resi-**
31 **dence address of not more than three persons as chief petitioners and shall contain instructions for**
32 **persons obtaining signatures of electors on the petition. The instructions shall be adopted by the**
33 **secretary by rule. The cover of a referendum petition shall contain the final measure summary de-**
34 **scribed in ORS 250.065 (1). If a petition seeking a different ballot title is not filed with the Supreme**
35 **Court by the deadline for filing a petition under ORS 250.085, the cover of an initiative petition shall**

1 contain the latest ballot title certified by the Attorney General under ORS 250.067 (2). However, if
2 the Supreme Court has reviewed the ballot title, the cover of the initiative petition shall contain the
3 title certified by the court.

4 “[6] (7) The chief petitioners shall include with the prospective petition a statement declaring
5 whether one or more persons will be paid money or other valuable consideration for obtaining sig-
6 natures of electors on the initiative or referendum petition. After the prospective petition is filed,
7 the chief petitioners shall notify the filing officer not later than the 10th day after any of the chief
8 petitioners first has knowledge or should have had knowledge that:

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

11 “(b) No person is being paid for obtaining signatures, when the statement included with the
12 prospective petition declared that one or more such persons would be paid.

13 “[7(a)] (8)(a) Each sheet of signatures on an initiative petition shall contain the caption of the
14 ballot title. Each sheet of signatures on a referendum petition shall contain the subject expressed
15 in the title of the Act to be referred.

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

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

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

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

25 “[8] (9) The reverse side of the cover of an initiative or referendum petition shall be used for
26 obtaining signatures on the initiative or referendum petition.

27 “[9] (10) Not more than 20 signatures on the signature sheet of the initiative or referendum
28 petition may be counted. The circulator shall certify on each signature sheet of the initiative or
29 referendum petition that the circulator:

30 “(a) Witnessed the signing of the signature sheet by each individual whose signature appears
31 on the signature sheet; and

32 “(b) Believes each individual is an elector.

33 “[10] (11) The person obtaining signatures on the petition shall carry at least one full and
34 correct copy of the measure to be initiated or referred and shall allow any person to review a copy
35 upon request of the person.

36 “**SECTION 2.** ORS 250.048 is amended to read:

37 “250.048. (1) A person may not pay money or other valuable consideration to another person for
38 obtaining signatures of electors on a state initiative, referendum or recall petition **or a prospective**
39 **petition for a state measure to be initiated**, and a person may not receive money or other valu-
40 able consideration for obtaining signatures of electors on a state initiative, referendum or recall
41 petition **or a prospective petition for a state measure to be initiated**, unless the person obtaining
42 the signatures:

43 “(a) Registers with the Secretary of State in the manner prescribed by this section and by rule
44 of the secretary; and

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

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

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

4 “(b) The residential street address of the applicant;

5 “(c) An example of the signature of the applicant;

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

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

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

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

16 “[*g*] (h) Evidence indicating that the applicant has completed the training required by the
17 secretary by rule;

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

19 “[*i*] (j) A statement signed by a chief petitioner of each petition **or prospective petition, or**
20 **a person designated by a chief petitioner under this paragraph**, upon which the applicant will
21 gather signatures acknowledging that the chief petitioner is liable for violations of law or rule
22 committed by the person obtaining signatures as provided in ORS 260.561. **A chief petitioner may**
23 **designate a person to sign a statement described in this paragraph on behalf of the chief**
24 **petitioner. A person designated under this paragraph incurs no liability for violations of law**
25 **or rule committed by the person obtaining the signatures.**

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

29 “**(b) A person who is registered to obtain signatures on a prospective petition for a state**
30 **measure to be initiated need not reapply for a registration under this section in order to**
31 **obtain signatures on a state initiative, referendum or recall petition, except that the person**
32 **shall submit a list of the initiative, referendum and recall petitions on which the person will**
33 **gather signatures.**

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

36 “(4) [*A person who has been convicted for a criminal offense involving fraud, forgery or identifi-*
37 *cation theft in any state during the five-year period prior to the date of the application may not apply*
38 *for registration under this section.*] **A person may not apply for registration under this section**
39 **if, during the five-year period prior to the date of application, the person:**

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

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

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

1 “(5) To assist in determining the identity of an applicant or whether an applicant has
2 been convicted for a criminal offense described in subsection (4) of this section, upon consent
3 of the applicant and upon request of the secretary, the Department of State Police shall
4 furnish to the secretary any information that the department may have in its possession
5 from its central bureau of criminal identification, including but not limited to the Law
6 Enforcement Data System established in ORS 181.730, other computerized information and
7 any other information to which the department may have access. For purposes of receiving
8 the information described in this subsection, the office of the Secretary of State is a ‘crimi-
9 nal justice agency’ under ORS 181.010 to 181.560 and 181.715 to 181.730 and the rules adopted
10 under ORS 181.555. Upon submitting an application for registration described in subsection
11 (2) of this section, an applicant is deemed to have given the consent necessary for purposes
12 of this subsection.

13 “[(5)] (6) If a person receives money or other valuable consideration for obtaining signatures of
14 electors on a state initiative, referendum or recall petition **or a prospective petition for a state**
15 **measure to be initiated** and the person was not registered as required under this section at the
16 time the signatures were obtained, the secretary may not [count the] **include any** signatures **ob-**
17 **tained by the person in a count** under ORS 250.045 (3) or 250.105 or ORS chapter 249 for purposes
18 of determining whether the petition **or prospective petition** contains the required number of sig-
19 natures of electors.

20 “[(6)] (7) A person registered under this section shall carry evidence of registration with the
21 person while the person is obtaining signatures on a state initiative, referendum or recall petition
22 **or a prospective petition for a state measure to be initiated.** The evidence of registration shall
23 contain the photograph and registration number of the person. The secretary by rule shall designate
24 the form of the evidence of registration.

25 “[(7)] (8) A photograph of an applicant submitted under subsection (2) of this section shall:

26 “(a) Be a conventional photograph with a plain background;

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

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

29 “(9) **A person registered under this section may not obtain signatures on a petition or**
30 **prospective petition for which the person is being paid and, at the same time, obtain signa-**
31 **tures on a petition or prospective petition for which the person is not being paid. The sec-**
32 **retary may not include any signatures obtained in violation of this subsection in a count**
33 **under ORS 250.045 (3) or 250.105 or ORS chapter 249 for purposes of determining whether a**
34 **state initiative, referendum or recall petition or a prospective petition for a state measure**
35 **to be initiated contains the required number of signatures of electors.**

36 “[(8)] (10) The secretary shall adopt rules necessary to implement this section, including rules:

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

40 “(b) Establishing a training program for persons who may be paid money or other valuable
41 consideration for obtaining signatures of electors on state initiative, referendum or recall petitions
42 **or prospective petitions for state measures to be initiated.**

43 “**SECTION 3.** ORS 250.052 is amended to read:

44 “250.052. (1)(a) For each state initiative, referendum or recall petition, the Secretary of State
45 shall prepare official templates of the cover and signature sheets for the petition. Except as pro-

1 vided in this section, templates of cover and signature sheets for state initiative and referendum
2 petitions are subject to the requirements of ORS 250.045. The templates of signature sheets to be
3 used by persons who are being paid to obtain signatures on the petition shall be a different color
4 from the sheets to be used by persons who are not being paid to obtain signatures on the petition.

5 **“(b) For each prospective petition for a state measure to be initiated the secretary shall**
6 **prepare official templates of the cover and signature sheets. The templates of signature**
7 **sheets to be used by persons who are being paid to obtain signatures on the prospective pe-**
8 **tion shall be a different color from the sheets to be used by persons who are not being paid**
9 **to obtain signatures on the prospective petition. Each signature sheet for the prospective**
10 **petition shall:**

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

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

16 **“(2) A person obtaining signatures on a state initiative, referendum or recall petition or a**
17 **prospective petition for a state measure to be initiated may use only the cover and signature**
18 **sheets contained in the official templates prepared for the petition or prospective petition. A per-**
19 **son who is being paid to obtain signatures on the petition or prospective petition shall use the**
20 **signature sheet template designated for use by persons being paid to obtain signatures. A person**
21 **who is not being paid to obtain signatures on the petition or prospective petition shall use the**
22 **signature sheet template designated for use by persons who are not being paid to obtain signatures.**

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

25 **“(4) The secretary shall issue official templates to a chief petitioner or designated agent not**
26 **later than:**

27 **“(a) Three business days after the deadline for filing a petition under ORS 250.085 relating to**
28 **a ballot title certified by the Attorney General for the state initiative petition or, if a petition is**
29 **filed with the Supreme Court under ORS 250.085, three business days after the Supreme Court cer-**
30 **tifies to the Secretary of State a ballot title for the state initiative petition; [or]**

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

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

35 **“(5) Not later than five business days after the deadline for the secretary to issue templates**
36 **under subsection (4) of this section, a chief petitioner of a state initiative, referendum or recall pe-**
37 **tion or a prospective petition for a state measure to be initiated may submit to the secretary**
38 **a written request for modification of the templates. The secretary shall approve or disapprove the**
39 **request not later than five business days after receiving the request. If the secretary disapproves the**
40 **request, the secretary shall advise the chief petitioner in writing of the reasons for the disapproval.**

41 **“(6) In addition to the templates prepared under subsections (1) to (5) of this section, for each**
42 **state initiative, referendum or recall petition, the secretary shall prepare an official electronic**
43 **template of a signature sheet for the petition. A template prepared under this subsection shall allow**
44 **space for the signature of one elector. An elector may print a copy of the electronic signature sheet**
45 **for a petition, sign the sheet and deliver the signed sheet to a chief petitioner or an agent desig-**

1 nated by a chief petitioner. Electronic templates described in this subsection are subject to the re-
2 quirements of ORS 250.045, other than ORS 250.045 [(5), (8) and (9)] **(6), (9) and (10)**.

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

5 “**SECTION 4.** ORS 260.262 is amended to read:

6 “260.262. (1) As used in this section, ‘accounts’ means:

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

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

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

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

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

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

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

27 “(4) In addition to the review conducted under subsection (3) of this section, the secretary, At-
28 torney General or Commissioner of the Bureau of Labor and Industries may inspect the accounts
29 of a chief petitioner described in subsection (2) of this section under reasonable circumstances at
30 any time before the deadline for filing signatures on the petition or during the period specified for
31 retention of the accounts under subsection (5) of this section. The right of inspection may be en-
32 forced by writ of mandamus issued by any court of competent jurisdiction.

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

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

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

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

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

44 “**SECTION 5.** ORS 260.561 is amended to read:

45 “260.561. (1)(a) If a chief petitioner of a statewide initiative or referendum petition has knowl-

1 edge of a violation of any provision of Oregon Revised Statutes, [or] of any rule adopted by the
2 Secretary of State under ORS chapters 246 to 260 related to the circulation of a statewide initiative
3 or referendum petition **or section 1b, Article IV of the Oregon Constitution**, committed by a
4 person obtaining signatures on the chief petitioner’s petition **or prospective petition**, the violation
5 by the person obtaining signatures [shall be] **is** conclusively considered a violation by the chief
6 petitioner.

7 “(b) **If a chief petitioner of a statewide initiative or referendum petition has knowledge**
8 **or should have had knowledge of a violation of ORS 250.048, 260.262, 260.555, 260.558, 260.567,**
9 **260.575, 260.665, 260.715 (1) or section 1b, Article IV of the Oregon Constitution, or any rule**
10 **adopted by the Secretary of State related to section 1b, Article IV of the Oregon Constitu-**
11 **tion, petition sheets or circulator training, registration or certification, committed by a**
12 **person obtaining signatures on the chief petitioner’s petition or prospective petition or a**
13 **contractor or subcontractor, as defined in ORS 260.563, the violation by the person obtaining**
14 **signatures or the contractor or subcontractor is conclusively considered a violation by the**
15 **chief petitioner.**

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

19 “(a) That a potential violation has occurred;

20 “(b) The nature of the potential violation; and

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

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

25 “[4] *This section does not apply to a violation of law that is subject to criminal penalty.*”

26 “**SECTION 6.** ORS 260.563 is amended to read:

27 “260.563. (1) As used in this section:

28 “(a) ‘Contractor’ means a person who contracts on predetermined terms with a chief petitioner,
29 or a person acting on behalf of a chief petitioner, of an initiative or referendum petition **or a pro-**
30 **spective petition for a state measure to be initiated** for the purpose of obtaining signatures on
31 the petition **or prospective petition.**

32 “(b) ‘Subcontractor’ means a person who contracts on predetermined terms with a contractor for
33 the purpose of obtaining signatures on an initiative or referendum petition **or a prospective peti-**
34 **tion for a state measure to be initiated** and who has no direct contractual relationship with a
35 chief petitioner or other person acting on behalf of a chief petitioner.

36 “(2) If a contractor has knowledge **or should have had knowledge** of [an unreported] a violation
37 of **ORS 250.048, 260.555, 260.558, 260.567, 260.575, 260.665 or 260.715 (1) or section 1b, Article IV**
38 **of the Oregon Constitution, or any rule adopted by the Secretary of State related to section**
39 **1b, Article IV of the Oregon Constitution, petition sheets or circulator training, registration**
40 **or certification**, by a subcontractor, the violation by the subcontractor is conclusively considered
41 a violation by the contractor.

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

45 “(a) That a potential violation has occurred;

1 “(b) The nature of the potential violation; and

2 “(c) All specific information known to the contractor regarding the potential violation.

3 “[*4*] *This section does not apply to a violation of law that is subject to criminal penalty.*]

4 “**SECTION 7.** ORS 260.567 is amended to read:

5 “260.567. (1) Except as provided in subsection (2) of this section, a person other than the person
6 who signed the signature sheet of an initiative, referendum, recall or candidate nominating
7 petition, **a prospective petition for a state measure to be initiated** or a certificate of nomination
8 may not write, alter, correct, clarify or obscure on the signature sheet any information about the
9 person who signed the signature sheet.

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

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

14 “(b) Write, alter, correct, clarify or obscure on the signature sheet any information about the
15 person who signed the signature sheet if the person who signed the signature sheet is a person with
16 a disability and requests assistance in writing, altering, correcting, clarifying or obscuring on the
17 signature sheet any information about the person.

18 “(3) As used in this section:

19 “(a) ‘Information about the person who signed the signature sheet’ means any information re-
20 garding the person who signed the signature sheet of an initiative, referendum, recall or candidate
21 nominating petition, **a prospective petition for a state measure to be initiated** or a certificate
22 of nomination, in addition to the signature of the person, that is required or requested to be supplied
23 on a signature sheet of an initiative, referendum, recall or candidate nominating petition, **a pro-**
24 **spective petition** or a certificate of nomination.

25 “(b) ‘The person who signed the signature sheet’ means the person whose signature will be
26 submitted for verification under ORS chapter 249 or ORS **250.045 (3)**, 250.105, 250.215, 250.315 or
27 255.175 for the purpose of determining whether the petition, **prospective petition** or certificate
28 contains the required number of signatures of electors.

29 “**SECTION 8.** ORS 250.105 is amended to read:

30 “250.105. (1)(a) An initiative or referendum petition relating to a state measure must be filed
31 with the Secretary of State for the purpose of verifying whether the petition contains the required
32 number of signatures of electors.

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

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

38 “(d) The secretary shall adopt rules establishing procedures for verifying signatures on an ini-
39 tiative or referendum petition.

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

43 “(2)(a) **Once every month, the chief petitioner of an initiative petition relating to a state**
44 **measure shall file with the secretary all signature sheets containing signatures of electors**
45 **obtained by a person being paid to obtain signatures on the petition since the previous**

1 **monthly filing. The secretary shall hold all signature sheets filed under this subsection un-**
2 **less the chief petitioner withdraws the petition.**

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

9 “[2] (3) The secretary may not accept [*an initiative or*] a referendum petition relating to a state
10 measure for filing if the petition contains less than 100 percent of the required number of signatures.
11 **The secretary may not determine whether an initiative petition contains the required num-**
12 **ber of signatures of electors unless at least 100 percent of the required number of signatures**
13 **have been filed with the secretary.**

14 “[3] (4) If the **total number of signatures required on** an initiative **petition** or referendum
15 petition is submitted not less than 165 days before the election at which the proposed measure is
16 to be voted upon and if the secretary determines that insufficient signatures have been submitted
17 but the deadline for filing **signatures on** the petition has not passed, the petitioners may submit
18 additional signatures.

19 “[4] (5) The secretary by rule shall designate a statistical sampling technique to verify whether
20 a petition contains the required number of signatures of electors. A petition may not be rejected for
21 the reason that it contains less than the required number of signatures unless two separate sampling
22 processes both establish that the petition lacks the required number of signatures. The second
23 sampling must contain a larger number of signatures than the first sampling. If two samplings are
24 required under this subsection, the total number of signatures verified on the petition shall be not
25 less than five percent of the total number of signatures on the petition.

26 “[5] (6) For purposes of estimating the number of duplicate signatures contained in a petition,
27 the secretary shall apply at least an eight percent duplication rate in the first sampling of signatures
28 on all petitions. If a second sampling of signatures is required under subsection [(4)] (5) of this
29 section, the secretary shall calculate an estimated signature duplication rate for each petition for
30 which a second sampling is required. The calculation shall be based on the number of electors the
31 secretary determines have signed a specific petition more than once.

32 “[6] (7) When verifying signatures for a state initiative or referendum petition, the secretary
33 or county clerk shall identify on an elector’s voter registration record or other database that the
34 elector signed the specific initiative or referendum petition.

35 “[7] (8) The Secretary of State may employ professional assistance to determine the sampling
36 technique to be designated under subsection [(4)] (5) of this section.

37 **“SECTION 9.** ORS 250.029 is amended to read:

38 **“250.029. (1) Except as provided in subsection (2) of this section,** the chief petitioners of an
39 initiative or referendum petition may withdraw the petition at any time prior to the submission of
40 the petition for signature verification.

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

44 **“(3) The Secretary of State by rule shall design a form for use in filing a withdrawal of any**
45 **initiative or referendum petition. The withdrawal form must be signed by all of the chief petitioners**

1 and filed with the filing officer.

2 “**SECTION 10.** ORS 260.665 is amended to read:

3 “260.665. (1) As used in this section, ‘undue influence’ means force, violence, restraint or the
4 threat of it, inflicting injury, damage, harm, loss of employment or other loss or the threat of it, or
5 giving or promising to give money, employment or other thing of value.

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

8 “(a) Register or vote;

9 “(b) Refrain from registering or voting;

10 “(c) Register or vote in any particular manner;

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

12 “(e) Contribute or refrain from contributing to any candidate, political party or political com-
13 mittee;

14 “(f) Render or refrain from rendering services to any candidate, political party or political
15 committee;

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

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

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

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

22 “(4) This section does not prohibit:

23 “(a) The employment of persons to render services to candidates, political parties or political
24 committees;

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

28 “(c) Public or nonpromissory statements by or on behalf of a candidate of the candidate’s in-
29 tentions or purposes if elected;

30 “(d) A promise by a candidate to employ any person as administrative assistant, secretary or
31 other direct personal aide;

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

34 “(f) For persons voting, free transportation to and from places designated for the deposit of
35 ballots under ORS 254.470 or to and from locations described in ORS 254.472 or 254.474; but no
36 means of advertising, solicitation or inducement to influence the vote of persons transported may
37 be used with that transportation;

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

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

43 “**SECTION 11.** ORS 260.995 is amended to read:

44 “260.995. (1) Except as provided in subsection (2) of this section, following an investigation un-
45 der ORS 260.345, the Secretary of State or Attorney General may impose a civil penalty not to ex-

1 ceed \$250 for each violation of any provision of Oregon Revised Statutes relating to the conduct of
2 any election, any rule adopted by the secretary under ORS chapters 246 to 260 or any other matter
3 preliminary to or relating to an election, for which [no] a civil penalty is not otherwise provided.

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

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

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

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

9 “(3) Except as otherwise provided by this section, civil penalties under this section shall be
10 imposed as provided in ORS 183.745. In addition to the requirements of ORS 183.745, the notice shall
11 include:

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

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

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

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

22 “(b) Upon the secretary’s or Attorney General’s own motion.

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

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

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

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

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

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

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

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

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

44 “**SECTION 13. The Secretary of State may not include in a count under ORS 250.045 (3)**
45 **or 250.105 or ORS chapter 249 for purposes of determining whether an initiative, referendum**

1 or recall petition or a prospective petition for a state measure to be initiated contains the
2 required number of signatures of electors, any signatures obtained by a person who the
3 secretary determines, during the five-year period prior to the date the signatures were ob-
4 tained:

5 “(1) Has been convicted for a criminal offense involving fraud, forgery or identification
6 theft in any state;

7 “(2) Has had a civil penalty imposed under ORS 260.995 for a violation of ORS 250.048 or
8 260.262; or

9 “(3) Has had a civil or criminal penalty imposed for violation of a statute subject to a
10 criminal penalty under ORS 260.993.

11 “SECTION 14. (1) The amendments to ORS 250.045 and 250.048 by sections 1 and 2 of this
12 2009 Act apply to payment or receipt of money or other valuable consideration for obtaining
13 signatures of electors on a state initiative, referendum or recall petition or prospective pe-
14 tition for a state measure to be initiated that are obtained on or after January 1, 2010.

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

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

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

24 “(3) The amendments to ORS 260.567 by section 7 of this 2009 Act apply to signature
25 sheets for prospective petitions for state measures to be initiated that are signed on or after
26 January 1, 2010.

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

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

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

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

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

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

41 “SECTION 17. Section 13 of this 2009 Act and the amendments to ORS 250.029, 250.045,
42 250.048, 250.052, 250.105, 260.561, 260.563, 260.567, 260.665 and 260.995 by sections 1 to 3 and 5
43 to 11 of this 2009 Act become operative on January 1, 2010.

44 “SECTION 18. The Secretary of State may take any action before January 1, 2010, that
45 is necessary to enable the secretary to exercise, on and after January 1, 2010, all the duties,

1 functions and powers conferred on the secretary by section 13 of this 2009 Act and the
2 amendments to ORS 250.029, 250.045, 250.048, 250.052, 250.105, 260.561, 260.563, 260.567, 260.665
3 and 260.995 by sections 1 to 3 and 5 to 11 of this 2009 Act.

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

7 “SECTION 20. This 2009 Act being necessary for the immediate preservation of the public
8 peace, health and safety, an emergency is declared to exist, and this 2009 Act takes effect
9 on its passage.”.

10
