

House Bill 2820

Sponsored by Representative WITT; Representatives D EDWARDS, GREENLICK, HARKER, HOLVEY, MATTHEWS, NATHANSON, RILEY, J SMITH, VANORMAN, Senators MONNES ANDERSON, MORRISETTE

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Establishes Initiative Petition Review Committee as joint committee of Legislative Assembly.

Requires Initiative Petition Review Committee to review each initiative petition filed with Secretary of State and to produce report to chief petitioners identifying suggested revisions. Authorizes committee to hold hearing on each initiative petition.

Allows chief petitioners to amend initiative petition.

A BILL FOR AN ACT

1
2 Relating to initiative petitions for state measures; creating new provisions; and amending ORS
3 250.045 and 250.065.

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

5 **SECTION 1. Section 2 of this 2009 Act is added to and made a part of ORS chapter 250.**

6 **SECTION 2. The Initiative Petition Review Committee is established as a joint committee**
7 **of the Legislative Assembly. The committee shall consist of 12 members of the Legislative**
8 **Assembly. The Senators who are the leaders of the two largest political parties represented**
9 **in the Senate shall each appoint three members of the Senate to the committee. The Rep-**
10 **resentatives who are the leaders of the two largest political parties represented in the House**
11 **of Representatives shall each appoint three members of the House of Representatives to the**
12 **committee.**

13 **SECTION 3. ORS 250.065 is amended to read:**

14 250.065. (1)(a) When a prospective petition for a state measure to be referred is filed with the
15 Secretary of State, the secretary shall authorize the circulation of the petition using the final
16 measure summary of the latest version of the printed, engrossed measure in lieu of the ballot title.
17 On the next business day after the referendum petition has been filed containing the required num-
18 ber of verified signatures, the Secretary of State shall send two copies of the prospective petition
19 to the Attorney General.

20 *[(2) When an approved prospective petition for a state measure to be initiated is filed with the*
21 *Secretary of State, the secretary immediately shall send two copies of it to the Attorney General.]*

22 *[(3) Not later than the fifth business day after receiving the copies of the prospective petition for*
23 *a state measure to be initiated, the Attorney General shall provide a draft ballot title for the state*
24 *measure to be initiated and return one copy of the prospective petition and the ballot title to the Sec-*
25 *retary of State.]*

26 *[(4) (b) Not later than the 10th business day after receiving the copies of the prospective peti-*
27 *tion for a state measure to be referred, the Attorney General shall provide a draft ballot title for*
28 *the state measure to be referred and return one copy of the prospective petition and the draft ballot*
29 *title to the Secretary of State.*

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 **(2)(a) When an approved prospective petition for a state measure to be initiated is filed**
 2 **with the Secretary of State, the secretary immediately shall send two copies of the pro-**
 3 **spective petition to the Attorney General and two copies to the Initiative Petition Review**
 4 **Committee.**

5 **(b) Not later than the 10th business day after receiving the copies of the prospective pe-**
 6 **tition for a state measure to be initiated, the Initiative Petition Review Committee shall**
 7 **prepare and mail a report to the chief petitioners. The report shall identify any revisions the**
 8 **committee finds are necessary to clarify the purpose or effect of the measure to be initiated**
 9 **or to conform the measure to be initiated to the legislative drafting style used by the Leg-**
 10 **islative Assembly. The committee is not required to prepare or mail a report under this**
 11 **paragraph if the committee finds no revisions are necessary.**

12 **(c) The Initiative Petition Review Committee may conduct public hearings on the peti-**
 13 **tion. Any hearings conducted under this paragraph must be held not later than the 35th**
 14 **calendar day after the committee receives a copy of the prospective petition.**

15 **(d) Not later than the fifth business day after the deadline for mailing a report under**
 16 **paragraph (b) of this subsection or, if a hearing is held under paragraph (c) of this sub-**
 17 **section, the fifth business day after the deadline for holding public hearings under paragraph**
 18 **(c) of this subsection, the chief petitioners of a state measure to be initiated may amend the**
 19 **proposed initiative measure.**

20 **(e) Not later than the fifth business day after the applicable deadline for amending the**
 21 **proposed initiative measure under paragraph (d) of this subsection, the Attorney General**
 22 **shall provide a draft ballot title for the state measure to be initiated and return one copy**
 23 **of the prospective petition and the ballot title to the Secretary of State.**

24 **SECTION 4.** ORS 250.045 is amended to read:

25 250.045. (1) Before circulating a petition to initiate or refer a state measure under section 1,
 26 Article IV, Oregon Constitution, the petitioner shall file with the Secretary of State a prospective
 27 petition. The prospective petition for a state measure to be initiated shall contain a statement of
 28 sponsorship signed by at least 1,000 electors. The statement of sponsorship shall be attached to a
 29 full and correct copy of the measure to be initiated.

30 (2) The secretary by rule shall establish procedures for verifying whether the statement of
 31 sponsorship contains the required number of signatures of electors.

32 (3) The secretary shall date and time stamp the prospective petition and specify the form on
 33 which the initiative or referendum petition shall be printed for circulation as provided in ORS
 34 250.052. The secretary shall retain the prospective petition.

35 **(4) As provided in ORS 250.065 (2),** the chief petitioner may amend the state measure to be
 36 initiated that has been filed with the secretary without filing another prospective petition[, *if*].

37 [*(a) The Attorney General certifies to the secretary that the proposed amendment will not substan-*
 38 *tially change the substance of the measure; and*]

39 [*(b) The deadline for submitting written comments on the draft title has not passed.*]

40 (5) The cover of an initiative or referendum petition shall designate the name and residence
 41 address of not more than three persons as chief petitioners and shall contain instructions for per-
 42 sons obtaining signatures of electors on the petition. The instructions shall be adopted by the sec-
 43 retary by rule. The cover of a referendum petition shall contain the final measure summary
 44 described in ORS 250.065 (1)(a). If a petition seeking a different ballot title is not filed with the
 45 Supreme Court by the deadline for filing a petition under ORS 250.085, the cover of an initiative

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

4 (6) 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 pro-
 12 spective petition declared that one or more such persons would be paid.

13 (7)(a) Each sheet of signatures on an initiative petition shall contain the caption of the ballot
 14 title. Each sheet of signatures on a referendum petition shall contain the subject expressed in the
 15 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 of
 23 referendum petitions containing the same subject reference and being circulated during the same
 24 period.

25 (8) The reverse side of the cover of an initiative or referendum petition shall be used for ob-
 26 taining signatures on the initiative or referendum petition.

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

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

32 (b) Believes each individual is an elector.

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

36 **SECTION 5. (1) Sections 1 and 2 of this 2009 Act and the amendments to ORS 250.045 and**
 37 **250.065 by sections 3 and 4 of this 2009 Act do not apply to any initiative petition that, if filed**
 38 **with the Secretary of State with the required number of signatures of qualified electors, will**
 39 **be submitted to the people at the general election held on the first Tuesday after the first**
 40 **Monday in November 2010.**

41 **(2) Sections 1 and 2 of this 2009 Act and the amendments to ORS 250.045 and 250.065 by**
 42 **sections 3 and 4 of this 2009 Act apply to any initiative petition that, if filed with the Secre-**
 43 **tary of State with the required number of signatures of qualified electors, will be submitted**
 44 **to the people at a general election occurring after the first Tuesday after the first Monday**
 45 **in November 2010, regardless of when the prospective petition for a state measure to be ini-**

1 **tiated is filed.**

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