

House Bill 3033

Sponsored by Representative SCHAUFLEER (at the request of Oregon Home Builders Association)

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**.

Limits signature gathering period to two years for petition to initiate or refer county or city measure. Requires that petition to initiate or refer county or city measure be submitted not less than 90 days preceding election at which measure is to be voted on.

A BILL FOR AN ACT

1
2 Relating to election petitions; creating new provisions; and amending ORS 250.165 and 250.265.

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

4 **SECTION 1.** ORS 250.165 is amended to read:

5 250.165. (1) Before circulating a petition to initiate or refer a county measure, the petitioner
6 shall file with the county clerk a prospective petition. The county clerk immediately shall date and
7 time stamp the prospective petition, and specify the form on which the petition shall be printed for
8 circulation. The clerk shall retain the prospective petition.

9 (2) The cover of an initiative or referendum petition shall designate the name and residence
10 address of not more than three persons as chief petitioners and shall contain instructions for per-
11 sons obtaining signatures of electors on the petition. The instructions shall be adopted by the Sec-
12 retary of State by rule. The cover of a referendum petition shall contain the title described in ORS
13 250.175 (1). If the circuit court has not reviewed the ballot title under ORS 250.195, the cover of an
14 initiative petition shall contain the ballot title described in ORS 250.175 (3). If the circuit court has
15 reviewed the ballot title, the cover of the initiative petition shall contain the title certified by the
16 court.

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

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

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

26 (4)(a) Each sheet of signatures on an initiative petition shall contain the caption of the ballot
27 title. Each sheet of signatures on a referendum petition shall contain the number of the ordinance
28 or resolution to be referred, if any, and the date it was adopted by the county governing body.

29 (b) Each sheet of signatures on an initiative or referendum petition shall, if one or more persons
30 will be paid for obtaining signatures of electors on the petition, contain a notice stating: "Some
31 Circulators For This Petition Are Being Paid."

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

3 (6) Not more than 20 signatures on the signature sheet of the initiative or referendum petition
 4 shall be counted. The circulator shall certify on each signature sheet that the circulator:

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

7 (b) Believes each individual is an elector registered in the county.

8 (7) *[If]* The gathering of signatures *[exceeds the]* **on a petition to initiate or refer a county**
 9 **measure may not exceed** a period of *[one year]* **two years** from the time the petition is approved
 10 for circulation¹, *any of the chief petitioners, on or before each anniversary of approval of the petition*
 11 *for circulation, shall file with the county clerk a statement that the initiative petition is still active*.

12 *[(8) Not later than 30 days before the date that the chief petitioners must file a statement under*
 13 *subsection (7) of this section, the county clerk shall notify the chief petitioners in writing of the re-*
 14 *quirements of subsection (7) of this section. The notice shall be sent by certified mail, return receipt*
 15 *requested.]*

16 *[(9)]* (8) A county clerk may not accept for filing any petition which has not met the provisions
 17 of subsection (7) of this section.

18 **(9) A petition to initiate or refer a county measure must be filed not less than 90 days**
 19 **before the election at which the proposed law is to be voted on.**

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

23 **SECTION 2.** ORS 250.265 is amended to read:

24 250.265. (1) Before circulating a petition to initiate or refer a city measure, the petitioner shall
 25 file with the city elections officer a prospective petition. The officer immediately shall date and time
 26 stamp the prospective petition, and specify the form on which the petition shall be printed for cir-
 27 culation. The officer shall retain the prospective petition.

28 (2) The cover of an initiative or referendum petition shall designate the name and residence
 29 address of not more than three persons as chief petitioners and shall contain instructions for per-
 30 sons obtaining signatures of electors on the petition. The instructions shall be adopted by the Sec-
 31 retary of State by rule. The cover of a referendum petition shall contain the title described in ORS
 32 250.275 (1). If the circuit court has not reviewed the ballot title under ORS 250.296, the cover of an
 33 initiative petition shall contain the ballot title described in ORS 250.275 (3). If the circuit court has
 34 reviewed the ballot title, the cover of the initiative petition shall contain the title certified by the
 35 court.

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

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

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

45 (4)(a) Each sheet of signatures on an initiative petition shall contain the caption of the ballot

1 title. Each sheet of signatures on a referendum petition shall contain the number of the ordinance
 2 or resolution to be referred, if any, and the date it was adopted by the city governing body.

3 (b) Each sheet of signatures on an initiative or referendum petition shall, if one or more persons
 4 will be paid for obtaining signatures of electors on the petition, contain a notice stating: "Some
 5 Circulators For This Petition Are Being Paid."

6 (5) The reverse side of the cover of an initiative or referendum petition shall be used for ob-
 7 taining signatures on an initiative or referendum petition.

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

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

12 (b) Believes each individual is an elector registered in the city.

13 (7) *[If] The gathering of signatures [exceeds the] on a petition to initiate or refer a city*
 14 **measure may not exceed a period of [one year] two years** from the time the petition is approved
 15 for circulation.*[, any of the chief petitioners, on or before the anniversary of approval of the petition*
 16 *for circulation:]*

17 *[(a) Shall file annually, with the city elections officer, a statement that the initiative petition is still*
 18 *active; and]*

19 *[(b) May submit to the city elections officer for verification any signatures gathered on the petition*
 20 *in the preceding year.]*

21 *[(8) Not later than 30 days before the date that the chief petitioners must file a statement and*
 22 *submit signatures under subsection (7) of this section, the city elections officer shall notify the chief*
 23 *petitioners in writing of the requirements of subsection (7) of this section. The notice shall be sent by*
 24 *certified mail, return receipt requested.]*

25 *[(9)] (8) A city elections officer [shall] may not accept for filing any petition which has not met*
 26 *the provisions of subsection (7) of this section.*

27 **(9) A petition to initiate or refer a city measure must be filed not less than 90 days before**
 28 **the election at which the proposed law is to be voted on.**

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

32 **SECTION 3. (1) Except as provided in subsection (2) of this section, the amendments to**
 33 **ORS 250.165 and 250.265 by sections 1 and 2 of this 2009 Act apply to petitions to initiate or**
 34 **refer county or city measures for which a prospective petition is filed before, on or after the**
 35 **effective date of this 2009 Act.**

36 **(2) The amendments to ORS 250.165 and 250.265 by sections 1 and 2 of this 2009 Act do**
 37 **not apply to petitions to initiate or refer county or city measures for which an election will**
 38 **be held on the measure on or before January 1, 2011.**