

House Bill 3431

Sponsored by Representative THATCHER; Representatives CAMERON, FREEMAN, GILLIAM, KRIEGER, MAURER, THOMPSON, WEIDNER, WHISNANT, WINGARD

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**.

Requires Secretary of State or county clerk to send list of invalid signatures on state initiative, referendum or recall petition to chief petitioners. Allows person whose signature is invalid to contact Secretary of State or county clerk to verify signature.

Exempts from disclosure name, home address and home telephone number of public safety officer on certain initiative, referendum and recall petitions.

Becomes operative January 1, 2010.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to signatures on initiative petitions for state measures; creating new provisions; amending
3 ORS 192.502, 250.052, 250.105, 250.165 and 250.265; and declaring an emergency.

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

5 **SECTION 1.** ORS 250.105 is amended to read:

6 250.105. (1)(a) An initiative or referendum petition relating to a state measure must be filed with
7 the Secretary of State for the purpose of verifying whether the petition contains the required num-
8 ber of signatures of electors.

9 (b) Signatures on a prospective petition for a state measure to be initiated shall be considered
10 under this section for the purpose of verifying whether the initiative petition contains the required
11 number of signatures of electors.

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

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

16 (e) The filed initiative or referendum petition must contain only original signatures. The secre-
17 tary or county clerk shall verify each petition in the order in which the petitions are filed with the
18 secretary.

19 (2) The secretary may not accept an initiative or referendum petition relating to a state measure
20 for filing if the petition contains less than 100 percent of the required number of signatures.

21 (3) If an initiative or referendum petition is submitted not less than 165 days before the election
22 at which the proposed measure is to be voted upon and if the secretary determines that insufficient
23 signatures have been submitted but the deadline for filing the petition has not passed, the petitioners
24 may submit additional signatures.

25 (4) The secretary by rule shall designate a statistical sampling technique to verify whether a
26 petition contains the required number of signatures of electors. A petition may not be rejected for
27 the reason that it contains less than the required number of signatures unless two separate sampling
28 processes both establish that the petition lacks the required number of signatures. The second

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 sampling must contain a larger number of signatures than the first sampling. If two samplings are
 2 required under this subsection, the total number of signatures verified on the petition shall be not
 3 less than five percent of the total number of signatures on the petition.

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

10 (6) When verifying signatures for a state initiative or referendum petition, the secretary or
 11 county clerk shall identify on an elector’s voter registration record or other database that the
 12 elector signed the specific initiative or referendum petition.

13 **(7)(a) If during the signature verification process, the secretary or county clerk deter-**
 14 **mines that a signature on a petition is invalid, the secretary or county clerk shall send to**
 15 **the chief petitioner a list of the invalid signatures. The secretary or county clerk shall indi-**
 16 **cate on the list the reason for determining that each signature is invalid.**

17 **(b) Upon receipt of a list of signatures under this subsection, the chief petitioner may**
 18 **notify a person whose signature is listed as invalid.**

19 **(c) A person who receives notice from a chief petitioner under this subsection may con-**
 20 **tact the secretary or county clerk to verify the person’s signature but not later than 30 days**
 21 **after the deadline for filing the petition.**

22 [(7)] (8) The Secretary of State may employ professional assistance to determine the sampling
 23 technique to be designated under subsection (4) of this section.

24 **SECTION 2.** ORS 192.502 is amended to read:

25 192.502. The following public records are exempt from disclosure under ORS 192.410 to 192.505:

26 (1) Communications within a public body or between public bodies of an advisory nature to the
 27 extent that they cover other than purely factual materials and are preliminary to any final agency
 28 determination of policy or action. This exemption shall not apply unless the public body shows that
 29 in the particular instance the public interest in encouraging frank communication between officials
 30 and employees of public bodies clearly outweighs the public interest in disclosure.

31 (2) Information of a personal nature such as but not limited to that kept in a personal, medical
 32 or similar file, if public disclosure would constitute an unreasonable invasion of privacy, unless the
 33 public interest by clear and convincing evidence requires disclosure in the particular instance. The
 34 party seeking disclosure shall have the burden of showing that public disclosure would not consti-
 35 tute an unreasonable invasion of privacy.

36 (3) Public body employee or volunteer addresses, Social Security numbers, dates of birth and
 37 telephone numbers contained in personnel records maintained by the public body that is the em-
 38 ployer or the recipient of volunteer services. This exemption:

39 (a) Does not apply to the addresses, dates of birth and telephone numbers of employees or vol-
 40 unteers who are elected officials, except that a judge or district attorney subject to election may
 41 seek to exempt the judge’s or district attorney’s address or telephone number, or both, under the
 42 terms of ORS 192.445;

43 (b) Does not apply to employees or volunteers to the extent that the party seeking disclosure
 44 shows by clear and convincing evidence that the public interest requires disclosure in a particular
 45 instance;

1 (c) Does not apply to a substitute teacher as defined in ORS 342.815 when requested by a pro-
2 fessional education association of which the substitute teacher may be a member; and

3 (d) Does not relieve a public employer of any duty under ORS 243.650 to 243.782.

4 (4) Information submitted to a public body in confidence and not otherwise required by law to
5 be submitted, where such information should reasonably be considered confidential, the public body
6 has obliged itself in good faith not to disclose the information, and when the public interest would
7 suffer by the disclosure.

8 (5) Information or records of the Department of Corrections, including the State Board of Parole
9 and Post-Prison Supervision, to the extent that disclosure would interfere with the rehabilitation of
10 a person in custody of the department or substantially prejudice or prevent the carrying out of the
11 functions of the department, if the public interest in confidentiality clearly outweighs the public in-
12 terest in disclosure.

13 (6) Records, reports and other information received or compiled by the Director of the Depart-
14 ment of Consumer and Business Services in the administration of ORS chapters 723 and 725 not
15 otherwise required by law to be made public, to the extent that the interests of lending institutions,
16 their officers, employees and customers in preserving the confidentiality of such information out-
17 weighs the public interest in disclosure.

18 (7) Reports made to or filed with the court under ORS 137.077 or 137.530.

19 (8) Any public records or information the disclosure of which is prohibited by federal law or
20 regulations.

21 (9)(a) Public records or information the disclosure of which is prohibited or restricted or other-
22 wise made confidential or privileged under Oregon law.

23 (b) Subject to ORS 192.423, paragraph (a) of this subsection does not apply to factual information
24 compiled in a public record when:

25 (A) The basis for the claim of exemption is ORS 40.225;

26 (B) The factual information is not prohibited from disclosure under any applicable state or fed-
27 eral law, regulation or court order and is not otherwise exempt from disclosure under ORS 192.410
28 to 192.505;

29 (C) The factual information was compiled by or at the direction of an attorney as part of an
30 investigation on behalf of the public body in response to information of possible wrongdoing by the
31 public body;

32 (D) The factual information was not compiled in preparation for litigation, arbitration or an
33 administrative proceeding that was reasonably likely to be initiated or that has been initiated by
34 or against the public body; and

35 (E) The holder of the privilege under ORS 40.225 has made or authorized a public statement
36 characterizing or partially disclosing the factual information compiled by or at the attorney's di-
37 rection.

38 (10) Public records or information described in this section, furnished by the public body ori-
39 ginally compiling, preparing or receiving them to any other public officer or public body in con-
40 nection with performance of the duties of the recipient, if the considerations originally giving rise
41 to the confidential or exempt nature of the public records or information remain applicable.

42 (11) Records of the Energy Facility Siting Council concerning the review or approval of security
43 programs pursuant to ORS 469.530.

44 (12) Employee and retiree address, telephone number and other nonfinancial membership records
45 and employee financial records maintained by the Public Employees Retirement System pursuant to

1 ORS chapters 238 and 238A.

2 (13) Records of or submitted to the State Treasurer, the Oregon Investment Council or the
3 agents of the treasurer or the council relating to active or proposed publicly traded investments
4 under ORS chapter 293, including but not limited to records regarding the acquisition, exchange or
5 liquidation of the investments. For the purposes of this subsection:

6 (a) The exemption does not apply to:

7 (A) Information in investment records solely related to the amount paid directly into an invest-
8 ment by, or returned from the investment directly to, the treasurer or council; or

9 (B) The identity of the entity to which the amount was paid directly or from which the amount
10 was received directly.

11 (b) An investment in a publicly traded investment is no longer active when acquisition, exchange
12 or liquidation of the investment has been concluded.

13 (14)(a) Records of or submitted to the State Treasurer, the Oregon Investment Council, the
14 Oregon Growth Account Board or the agents of the treasurer, council or board relating to actual
15 or proposed investments under ORS chapter 293 or 348 in a privately placed investment fund or a
16 private asset including but not limited to records regarding the solicitation, acquisition, deployment,
17 exchange or liquidation of the investments including but not limited to:

18 (A) Due diligence materials that are proprietary to an investment fund, to an asset ownership
19 or to their respective investment vehicles.

20 (B) Financial statements of an investment fund, an asset ownership or their respective invest-
21 ment vehicles.

22 (C) Meeting materials of an investment fund, an asset ownership or their respective investment
23 vehicles.

24 (D) Records containing information regarding the portfolio positions in which an investment
25 fund, an asset ownership or their respective investment vehicles invest.

26 (E) Capital call and distribution notices of an investment fund, an asset ownership or their re-
27 spective investment vehicles.

28 (F) Investment agreements and related documents.

29 (b) The exemption under this subsection does not apply to:

30 (A) The name, address and vintage year of each privately placed investment fund.

31 (B) The dollar amount of the commitment made to each privately placed investment fund since
32 inception of the fund.

33 (C) The dollar amount of cash contributions made to each privately placed investment fund since
34 inception of the fund.

35 (D) The dollar amount, on a fiscal year-end basis, of cash distributions received by the State
36 Treasurer, the Oregon Investment Council, the Oregon Growth Account Board or the agents of the
37 treasurer, council or board from each privately placed investment fund.

38 (E) The dollar amount, on a fiscal year-end basis, of the remaining value of assets in a privately
39 placed investment fund attributable to an investment by the State Treasurer, the Oregon Investment
40 Council, the Oregon Growth Account Board or the agents of the treasurer, council or board.

41 (F) The net internal rate of return of each privately placed investment fund since inception of
42 the fund.

43 (G) The investment multiple of each privately placed investment fund since inception of the fund.

44 (H) The dollar amount of the total management fees and costs paid on an annual fiscal year-end
45 basis to each privately placed investment fund.

1 (I) The dollar amount of cash profit received from each privately placed investment fund on a
 2 fiscal year-end basis.

3 (15) The monthly reports prepared and submitted under ORS 293.761 and 293.766 concerning the
 4 Public Employees Retirement Fund and the Industrial Accident Fund may be uniformly treated as
 5 exempt from disclosure for a period of up to 90 days after the end of the calendar quarter.

6 (16) Reports of unclaimed property filed by the holders of such property to the extent permitted
 7 by ORS 98.352.

8 (17) The following records, communications and information submitted to the Oregon Economic
 9 and Community Development Commission, the Economic and Community Development Department,
 10 the State Department of Agriculture, the Oregon Growth Account Board, the Port of Portland or
 11 other ports, as defined in ORS 777.005, by applicants for investment funds, loans or services includ-
 12 ing, but not limited to, those described in ORS 285A.224:

13 (a) Personal financial statements.

14 (b) Financial statements of applicants.

15 (c) Customer lists.

16 (d) Information of an applicant pertaining to litigation to which the applicant is a party if the
 17 complaint has been filed, or if the complaint has not been filed, if the applicant shows that such
 18 litigation is reasonably likely to occur; this exemption does not apply to litigation which has been
 19 concluded, and nothing in this paragraph shall limit any right or opportunity granted by discovery
 20 or deposition statutes to a party to litigation or potential litigation.

21 (e) Production, sales and cost data.

22 (f) Marketing strategy information that relates to applicant's plan to address specific markets
 23 and applicant's strategy regarding specific competitors.

24 (18) Records, reports or returns submitted by private concerns or enterprises required by law
 25 to be submitted to or inspected by a governmental body to allow it to determine the amount of any
 26 transient lodging tax payable and the amounts of such tax payable or paid, to the extent that such
 27 information is in a form which would permit identification of the individual concern or enterprise.
 28 Nothing in this subsection shall limit the use which can be made of such information for regulatory
 29 purposes or its admissibility in any enforcement proceedings. The public body shall notify the tax-
 30 payer of the delinquency immediately by certified mail. However, in the event that the payment or
 31 delivery of transient lodging taxes otherwise due to a public body is delinquent by over 60 days, the
 32 public body shall disclose, upon the request of any person, the following information:

33 (a) The identity of the individual concern or enterprise that is delinquent over 60 days in the
 34 payment or delivery of the taxes.

35 (b) The period for which the taxes are delinquent.

36 (c) The actual, or estimated, amount of the delinquency.

37 (19) All information supplied by a person under ORS 151.485 for the purpose of requesting ap-
 38 pointed counsel, and all information supplied to the court from whatever source for the purpose of
 39 verifying the financial eligibility of a person pursuant to ORS 151.485.

40 (20) Workers' compensation claim records of the Department of Consumer and Business Services,
 41 except in accordance with rules adopted by the Director of the Department of Consumer and Busi-
 42 ness Services, in any of the following circumstances:

43 (a) When necessary for insurers, self-insured employers and third party claim administrators to
 44 process workers' compensation claims.

45 (b) When necessary for the director, other governmental agencies of this state or the United

1 States to carry out their duties, functions or powers.

2 (c) When the disclosure is made in such a manner that the disclosed information cannot be used
3 to identify any worker who is the subject of a claim.

4 (d) When a worker or the worker's representative requests review of the worker's claim record.

5 (21) Sensitive business records or financial or commercial information of the Oregon Health and
6 Science University that is not customarily provided to business competitors.

7 (22) Records of Oregon Health and Science University regarding candidates for the position of
8 president of the university.

9 (23) The records of a library, including:

10 (a) Circulation records, showing use of specific library material by a named person;

11 (b) The name of a library patron together with the address or telephone number of the patron;
12 and

13 (c) The electronic mail address of a patron.

14 (24) The following records, communications and information obtained by the Housing and Com-
15 munity Services Department in connection with the department's monitoring or administration of
16 financial assistance or of housing or other developments:

17 (a) Personal and corporate financial statements and information, including tax returns.

18 (b) Credit reports.

19 (c) Project appraisals.

20 (d) Market studies and analyses.

21 (e) Articles of incorporation, partnership agreements and operating agreements.

22 (f) Commitment letters.

23 (g) Project pro forma statements.

24 (h) Project cost certifications and cost data.

25 (i) Audits.

26 (j) Project tenant correspondence.

27 (k) Personal information about a tenant.

28 (L) Housing assistance payments.

29 (25) Raster geographic information system (GIS) digital databases, provided by private forestland
30 owners or their representatives, voluntarily and in confidence to the State Forestry Department,
31 that is not otherwise required by law to be submitted.

32 (26) Sensitive business, commercial or financial information furnished to or developed by a
33 public body engaged in the business of providing electricity or electricity services, if the information
34 is directly related to a transaction described in ORS 261.348, or if the information is directly related
35 to a bid, proposal or negotiations for the sale or purchase of electricity or electricity services, and
36 disclosure of the information would cause a competitive disadvantage for the public body or its re-
37 tail electricity customers. This subsection does not apply to cost-of-service studies used in the de-
38 velopment or review of generally applicable rate schedules.

39 (27) Sensitive business, commercial or financial information furnished to or developed by the
40 City of Klamath Falls, acting solely in connection with the ownership and operation of the Klamath
41 Cogeneration Project, if the information is directly related to a transaction described in ORS 225.085
42 and disclosure of the information would cause a competitive disadvantage for the Klamath
43 Cogeneration Project. This subsection does not apply to cost-of-service studies used in the develop-
44 ment or review of generally applicable rate schedules.

45 (28) Personally identifiable information about customers of a municipal electric utility or a

1 people’s utility district or the names, dates of birth, driver license numbers, telephone numbers,
 2 electronic mail addresses or Social Security numbers of customers who receive water, sewer or
 3 storm drain services from a public body as defined in ORS 174.109. The utility or district may re-
 4 lease personally identifiable information about a customer, and a public body providing water, sewer
 5 or storm drain services may release the name, date of birth, driver license number, telephone num-
 6 ber, electronic mail address or Social Security number of a customer, if the customer consents in
 7 writing or electronically, if the disclosure is necessary for the utility, district or other public body
 8 to render services to the customer, if the disclosure is required pursuant to a court order or if the
 9 disclosure is otherwise required by federal or state law. The utility, district or other public body
 10 may charge as appropriate for the costs of providing such information. The utility, district or other
 11 public body may make customer records available to third party credit agencies on a regular basis
 12 in connection with the establishment and management of customer accounts or in the event such
 13 accounts are delinquent.

14 (29) A record of the street and number of an employee’s address submitted to a special district
 15 to obtain assistance in promoting an alternative to single occupant motor vehicle transportation.

16 (30) Sensitive business records, capital development plans or financial or commercial information
 17 of Oregon Corrections Enterprises that is not customarily provided to business competitors.

18 (31) Documents, materials or other information submitted to the Director of the Department of
 19 Consumer and Business Services in confidence by a state, federal, foreign or international regulatory
 20 or law enforcement agency or by the National Association of Insurance Commissioners, its affiliates
 21 or subsidiaries under ORS 646A.250 to 646A.270, 697.005 to 697.095, 697.602 to 697.842, 705.137,
 22 717.200 to 717.320, 717.900 or 717.905, ORS chapter 59, 722, 723, 725 or 726, the Bank Act or the
 23 Insurance Code when:

24 (a) The document, material or other information is received upon notice or with an under-
 25 standing that it is confidential or privileged under the laws of the jurisdiction that is the source of
 26 the document, material or other information; and

27 (b) The director has obligated the Department of Consumer and Business Services not to dis-
 28 close the document, material or other information.

29 (32) A county elections security plan developed and filed under ORS 254.074.

30 (33) Information about review or approval of programs relating to the security of:

31 (a) Generation, storage or conveyance of:

32 (A) Electricity;

33 (B) Gas in liquefied or gaseous form;

34 (C) Hazardous substances as defined in ORS 453.005 (7)(a), (b) and (d);

35 (D) Petroleum products;

36 (E) Sewage; or

37 (F) Water.

38 (b) Telecommunication systems, including cellular, wireless or radio systems.

39 (c) Data transmissions by whatever means provided.

40 (34) The information specified in ORS 25.020 (8) if the Chief Justice of the Supreme Court des-
 41 ignates the information as confidential by rule under ORS 1.002.

42 **(35) If requested by a public safety officer, as defined in ORS 181.610, the name, home**
 43 **address and home telephone number of the public safety officer, contained on an initiative,**
 44 **referendum or recall petition.**

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

1 250.052. (1) For each state initiative, referendum or recall petition, the Secretary of State shall
 2 prepare official templates of the cover and signature sheets for the petition. Except as provided in
 3 this section, templates of cover and signature sheets for state initiative and referendum petitions
 4 are subject to the requirements of ORS 250.045. The templates of signature sheets to be used by
 5 persons who are being paid to obtain signatures on the petition shall be a different color from the
 6 sheets to be used by persons who are not being paid to obtain signatures on the petition.

7 (2) A person obtaining signatures on a state initiative, referendum or recall petition may use
 8 only the cover and signature sheets contained in the official templates prepared for the petition. A
 9 person who is being paid to obtain signatures on the petition shall use the signature sheet template
 10 designated for use by persons being paid to obtain signatures. A person who is not being paid to
 11 obtain signatures on the petition shall use the signature sheet template designated for use by per-
 12 sons who are not being paid to obtain signatures.

13 **(3) Each template of a signature sheet must include a checkoff box corresponding to each**
 14 **space for a signature that a public safety officer, as defined in ORS 181.610, may check if the**
 15 **public safety officer wants the officer's name, home address and home telephone number**
 16 **exempt from public disclosure under ORS 192.502.**

17 [(3)] (4) The secretary shall issue templates for a petition only to a chief petitioner of the peti-
 18 tion or to an agent designated by a chief petitioner.

19 [(4)] (5) The secretary shall issue official templates to a chief petitioner or designated agent not
 20 later than:

21 (a) Three business days after the deadline for filing a petition under ORS 250.085 relating to a
 22 ballot title certified by the Attorney General for the state initiative petition or, if a petition is filed
 23 with the Supreme Court under ORS 250.085, three business days after the Supreme Court certifies
 24 to the Secretary of State a ballot title for the state initiative petition; or

25 (b) Three business days after a prospective petition is filed under ORS 249.865 or 250.045 for a
 26 state recall petition or state referendum petition.

27 [(5)] (6) Not later than five business days after the deadline for the secretary to issue templates
 28 under subsection [(4)] (5) of this section, a chief petitioner of a state initiative, referendum or recall
 29 petition may submit to the secretary a written request for modification of the templates. The sec-
 30 retary shall approve or disapprove the request not later than five business days after receiving the
 31 request. If the secretary disapproves the request, the secretary shall advise the chief petitioner in
 32 writing of the reasons for the disapproval.

33 [(6)] (7) In addition to the templates prepared under subsections (1) to [(5)] (6) of this section,
 34 for each state initiative, referendum or recall petition, the secretary shall prepare an official elec-
 35 tronic template of a signature sheet for the petition. A template prepared under this subsection shall
 36 allow space for the signature of one elector. An elector may print a copy of the electronic signature
 37 sheet for a petition, sign the sheet and deliver the signed sheet to a chief petitioner or an agent
 38 designated by a chief petitioner. Electronic templates described in this subsection are subject to the
 39 requirements of **subsection (3) of this section and** ORS 250.045, other than ORS 250.045 (5), (8) and
 40 (9).

41 [(7)] (8) The secretary shall adopt rules prescribing the contents and method of production of
 42 official templates required under this section.

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

44 250.165. (1) Before circulating a petition to initiate or refer a county measure, the petitioner
 45 shall file with the county clerk a prospective petition. The county clerk immediately shall date and

1 time stamp the prospective petition, and specify the form on which the petition shall be printed for
 2 circulation. The clerk shall retain the prospective petition.

3 (2) The cover of an initiative or referendum petition shall designate the name and residence
 4 address of not more than three persons as chief petitioners and shall contain instructions for per-
 5 sons obtaining signatures of electors on the petition. The instructions shall be adopted by the Sec-
 6 retary of State by rule. The cover of a referendum petition shall contain the title described in ORS
 7 250.175 (1). If the circuit court has not reviewed the ballot title under ORS 250.195, the cover of an
 8 initiative petition shall contain the ballot title described in ORS 250.175 (3). If the circuit court has
 9 reviewed the ballot title, the cover of the initiative petition shall contain the title certified by the
 10 court.

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

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

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

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

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

26 (c) **Each sheet of signatures on an initiative or referendum petition shall include a**
 27 **checkoff box corresponding to each space for a signature that a public safety officer, as de-**
 28 **defined in ORS 181.610, may check if the public safety officer wants the officer's name, home**
 29 **address and home telephone number exempt from public disclosure under ORS 192.502.**

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

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

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

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

37 (7) If the gathering of signatures exceeds the period of one year from the time the petition is
 38 approved for circulation, any of the chief petitioners, on or before each anniversary of approval of
 39 the petition for circulation, shall file with the county clerk a statement that the initiative petition
 40 is still active.

41 (8) Not later than 30 days before the date that the chief petitioners must file a statement under
 42 subsection (7) of this section, the county clerk shall notify the chief petitioners in writing of the
 43 requirements of subsection (7) of this section. The notice shall be sent by certified mail, return re-
 44 ceipt requested.

45 (9) A county clerk may not accept for filing any petition which has not met the provisions of

1 subsection (7) of this section.

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

5 **SECTION 5.** ORS 250.265 is amended to read:

6 250.265. (1) Before circulating a petition to initiate or refer a city measure, the petitioner shall
 7 file with the city elections officer a prospective petition. The officer immediately shall date and time
 8 stamp the prospective petition, and specify the form on which the petition shall be printed for cir-
 9 culation. The officer shall retain the prospective petition.

10 (2) The cover of an initiative or referendum petition shall designate the name and residence
 11 address of not more than three persons as chief petitioners and shall contain instructions for per-
 12 sons obtaining signatures of electors on the petition. The instructions shall be adopted by the Sec-
 13 retary of State by rule. The cover of a referendum petition shall contain the title described in ORS
 14 250.275 (1). If the circuit court has not reviewed the ballot title under ORS 250.296, the cover of an
 15 initiative petition shall contain the ballot title described in ORS 250.275 (3). If the circuit court has
 16 reviewed the ballot title, the cover of the initiative petition shall contain the title certified by the
 17 court.

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

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

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

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

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

33 **(c) Each sheet of signatures on an initiative or referendum petition shall include a**
 34 **checkoff box corresponding to each space for a signature that a public safety officer, as de-**
 35 **defined in ORS 181.610, may check if the public safety officer wants the officer's name, home**
 36 **address and home telephone number exempt from public disclosure under ORS 192.502.**

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

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

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

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

44 (7) If the gathering of signatures exceeds the period of one year from the time the petition is
 45 approved for circulation, any of the chief petitioners, on or before the anniversary of approval of the

1 petition for circulation:

2 (a) Shall file annually, with the city elections officer, a statement that the initiative petition is
 3 still active; and

4 (b) May submit to the city elections officer for verification any signatures gathered on the pe-
 5 tition in the preceding year.

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

10 (9) A city elections officer shall not accept for filing any petition which has not met the pro-
 11 visions of subsection (7) of this section.

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

15 **SECTION 6. (1) The amendments to ORS 250.105 by section 1 of this 2009 Act apply to**
 16 **signatures on initiative, referendum or recall petitions submitted for signature verification**
 17 **on or after January 1, 2010.**

18 **(2) The amendments to ORS 192.502, 250.052, 250.165 and 250.265 by sections 2 to 5 of this**
 19 **2009 Act apply to signature sheets for initiative, referendum or recall petitions that are cir-**
 20 **culated or signed on or after January 1, 2010.**

21 **SECTION 7. The Secretary of State, a county clerk or other elections officer may take**
 22 **any action before January 1, 2010, that is necessary to enable the secretary, clerk or**
 23 **elections officer to exercise, on or after January 1, 2010, all the duties, functions and powers**
 24 **conferred upon the secretary, clerk or elections officer by ORS 192.502, 250.052, 250.105,**
 25 **250.165 and 250.265 as amended by sections 1 to 5 of this 2009 Act.**

26 **SECTION 8. The amendments to ORS 192.502, 250.052, 250.105, 250.165 and 250.265 by**
 27 **sections 1 to 5 of this 2009 Act become operative January 1, 2010.**

28 **SECTION 9. This 2009 Act being necessary for the immediate preservation of the public**
 29 **peace, health and safety, an emergency is declared to exist, and this 2009 Act takes effect**
 30 **on its passage.**

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