

# Senate Bill 760

Sponsored by Senator WALKER (at the request of Ken Tollenaar)

## 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**.

Imposes fee for filing prospective petition to initiate state measure. Provides that fee is refundable in certain circumstances.

## A BILL FOR AN ACT

1  
2 Relating to election petitions; creating new provisions; and amending ORS 250.045.

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

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

5 250.045. (1) Before circulating a petition to initiate or refer a state measure under section 1,  
6 Article IV, Oregon Constitution, the petitioner shall file with the Secretary of State a prospective  
7 petition. The prospective petition for a state measure to be initiated shall contain a statement of  
8 sponsorship signed by at least 1,000 electors. The statement of sponsorship shall be attached to a  
9 full and correct copy of the measure to be initiated. **At the time of filing, a prospective petition**  
10 **for a state measure to be initiated must be accompanied by the filing fee described in section**  
11 **3 of this 2009 Act.**

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

14 (3) The secretary shall date and time stamp the prospective petition and specify the form on  
15 which the initiative or referendum petition shall be printed for circulation as provided in ORS  
16 250.052. The secretary shall retain the prospective petition.

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

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

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

22 (5) The cover of an initiative or referendum petition shall designate the name and residence  
23 address of not more than three persons as chief petitioners and shall contain instructions for per-  
24 sons obtaining signatures of electors on the petition. The instructions shall be adopted by the sec-  
25 retary by rule. The cover of a referendum petition shall contain the final measure summary  
26 described in ORS 250.065 (1). If a petition seeking a different ballot title is not filed with the Su-  
27 preme Court by the deadline for filing a petition under ORS 250.085, the cover of an initiative peti-  
28 tion shall contain the latest ballot title certified by the Attorney General under ORS 250.067 (2).  
29 However, if the Supreme Court has reviewed the ballot title, the cover of the initiative petition shall  
30 contain the title certified by the court.

31 (6) The chief petitioners shall include with the prospective petition a statement declaring

**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 whether one or more persons will be paid money or other valuable consideration for obtaining sig-  
 2 natures of electors on the initiative or referendum petition. After the prospective petition is filed,  
 3 the chief petitioners shall notify the filing officer not later than the 10th day after any of the chief  
 4 petitioners first has knowledge or should have had knowledge that:

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

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

9 (7)(a) Each sheet of signatures on an initiative petition shall contain the caption of the ballot  
 10 title. Each sheet of signatures on a referendum petition shall contain the subject expressed in the  
 11 title of the Act to be referred.

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

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

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

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

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

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

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

28 (b) Believes each individual is an elector.

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 2. Section 3 of this 2009 Act is added to and made a part of ORS chapter 250.**

33 **SECTION 3. (1) At the time of filing a prospective petition for a state measure to be in-**  
 34 **initiated under ORS 250.045, the petitioner shall pay to the Secretary of State a filing fee of**  
 35 **\$500.**

36 **(2) The Secretary of State shall refund the filing fee if:**

37 **(a) The petitioner withdraws the petition not later than five calendar days after a draft**  
 38 **ballot title is provided by the Attorney General under ORS 250.065.**

39 **(b) The petition contains a number of signatures equal to at least one and one-half per-**  
 40 **cent of the total number of votes cast for all candidates for Governor at the most recent**  
 41 **election at which a candidate for Governor was elected to a full term.**

42 **(c) The proposed state measure qualifies for placement on the ballot under ORS 250.105.**

43 **(3) The Secretary of State shall pay fees received under this section into the General**  
 44 **Fund.**

45 **SECTION 4. Section 3 of this 2009 Act and the amendments to ORS 250.045 by section 1**

1 **of this 2009 Act apply to prospective petitions filed on or after July 3, 2010.**

2

---