

Enrolled
Senate Bill 998

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CHAPTER

AN ACT

Relating to elections; creating new provisions; amending ORS 246.410, 247.025, 247.295, 250.048, 253.690, 258.290, 260.043, 260.055, 260.407, 260.432, 260.995 and 305.758 and section 10, chapter 720, Oregon Laws 2009, and section 3, chapter 798, Oregon Laws 2009; and declaring an emergency.

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

SECTION 1. Section 3, chapter 798, Oregon Laws 2009, is amended to read:

Sec. 3. The Secretary of State shall conduct a general review of the adoption of a cross-nomination system for candidates for public office in Oregon. The secretary may assess similar laws in other states. The secretary shall report conclusions of the secretary’s review and any recommended legislation to the Legislative Assembly not later than [October 1, 2010] **March 31, 2011.**

SECTION 2. ORS 247.025 is amended to read:

247.025. To vote in an election:

(1) A person’s registration card must be received at an office or location described in ORS 247.012 not later than the time the office or location closes for business on the 21st day immediately preceding the election, but in no case later than midnight of the 21st day immediately preceding the election; [or]

(2) A person’s registration card must be postmarked not later than the 21st day immediately preceding the election and be addressed to an office of any county clerk, the Office of the Secretary of State, an office of the Department of Transportation or any designated voter registration agency as described in ORS 247.208[.]; **or**

(3) A person’s registration card must be delivered electronically as described in ORS 247.019 not later than 11:59 p.m. of the 21st day immediately preceding the election.

SECTION 3. ORS 247.295 is amended to read:

247.295. (1) The Secretary of State shall subscribe to a change of address service that is approved or endorsed by the United States Postal Service and use the service to verify the accuracy of the addresses of electors contained in the centralized voter registration system.

(2) If the secretary determines that the address of an elector is different from the address for the elector as contained in the records of the county clerk, the secretary shall provide the information obtained under this section to the county clerk of each affected county. Based on information received under this section, each county clerk shall update the registration of electors in the county **if the clerk determines that an update is required.**

SECTION 4. ORS 250.048 is amended to read:

250.048. (1) A person may not pay money or other valuable consideration to another person for obtaining signatures of electors on a state initiative, referendum or recall petition or a prospective petition for a state measure to be initiated, and a person may not receive money or other valuable consideration for obtaining signatures of electors on a state initiative, referendum or recall petition or a prospective petition for a state measure to be initiated, unless the person obtaining the signatures:

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

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

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

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

(b) The residential street address of the applicant;

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

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

(e) A list of the initiative, referendum and recall petitions on which the applicant will gather signatures;

(f) If the applicant has been convicted for a criminal offense involving fraud, forgery or identification theft, information relating to the circumstances of the conviction as required by the secretary;

(g) A statement signed by the applicant acknowledging that the applicant has read and understands Oregon law applicable to the gathering of signatures on state initiative, referendum and recall petitions and prospective petitions for state measures to be initiated, as the law is summarized in the training program established by the Secretary of State;

(h) Evidence indicating that the applicant has completed the training required by the secretary by rule;

(i) A photograph of the applicant; and

(j) A statement signed by a chief petitioner of each petition or prospective petition, or a person designated by a chief petitioner under this paragraph, upon which the applicant will gather signatures acknowledging that the chief petitioner is liable for violations of law or rule committed by the person obtaining signatures as provided in ORS 260.561. A chief petitioner may designate a person to sign a statement described in this paragraph on behalf of the chief petitioner.

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

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

(c) A registration [*issued by the secretary under this section*] **to obtain signatures on a state initiative petition or a prospective petition for a state measure to be initiated** is valid until the date that is four months before the next general election.

(d) A registration to obtain signatures on a referendum or recall petition is valid until the date the petition is filed for signature verification.

(4) A person may not apply for registration under this section if, during the five-year period prior to the date of application, the person:

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

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

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

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

(6) If a person receives money or other valuable consideration for obtaining signatures of electors on a state initiative, referendum or recall petition or a prospective petition for a state measure to be initiated and the person was not registered as required under this section at the time the signatures were obtained, the secretary may not include any signatures obtained by the person in a count under ORS 250.045 (3) or 250.105 or ORS chapter 249 for purposes of determining whether the petition or prospective petition contains the required number of signatures of electors.

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

(8) A photograph of an applicant submitted under subsection (2) of this section shall:

- (a) Be a conventional photograph with a plain background;
- (b) Show the face or the face, neck and shoulders of the applicant; and
- (c) Be prepared and processed for printing as prescribed by the secretary.

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

(10) The secretary shall adopt rules necessary to implement this section, including rules:

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

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

SECTION 5. ORS 253.690 is amended to read:

253.690. (1) A long term absent elector described in ORS 253.510 [(1) or (2)] may cast a ballot using a facsimile machine as provided in this section. Notwithstanding ORS 254.470 (8), a ballot cast under this section shall be counted only if the ballot:

- (a) Is received in the office of the county clerk not later than 8 p.m. on the day of the election;
- (b) Is accompanied by a return identification envelope containing the signature of the elector and a signed waiver described in subsection (2) of this section; and
- (c) The signature is verified as provided in subsection (3) of this section.

(2) Each elector who casts a ballot under this section shall complete and submit using a facsimile machine a waiver described in this subsection. The elector shall attest to the information supplied on the waiver by signing the completed waiver. The Secretary of State by rule shall design the form of the waiver, which shall include all of the following:

(a) Space for the elector to provide the elector's full name, residence or mailing address, a phone or facsimile number where the elector may be contacted and any other necessary information.

(b) A waiver in substantially the following form:

I, _____, acknowledge that by casting my voted ballot using a facsimile machine I have waived my right to a secret ballot.

(c) A statement to notify the elector that the elector's ballot will not be counted unless the elector has complied with the provisions of this section.

(d) Space for the elector to provide the elector's signature to attest to the information supplied.

(3) The county clerk shall verify the signature of each elector on the return identification envelope transmitted by facsimile machine under this section with the signature on the elector's registration card, according to the procedure provided by rules adopted by the Secretary of State.

(4) The Secretary of State shall adopt rules to administer this section and to ensure the secrecy of ballots cast using a facsimile machine to the greatest extent possible.

SECTION 6. ORS 258.290 is amended to read:

258.290. (1) If the official canvass of votes of an election reveals that the difference in the number of votes cast for or against any measure is not more than one-fifth of one percent of the total votes cast for and against the measure, the Secretary of State, in the case of a measure for which the Secretary of State is the filing officer, and the county clerk who conducted the election in the case of any other measure shall order a full recount of all votes cast for the measure.

(2) The cost of a full recount conducted under this section shall be paid by the state, county, city or special district for which the measure was proposed.

(3) This section does not apply if the election on the measure is an election at which at least 50 percent of registered voters eligible to vote in the election must cast a ballot under [section 11] **sections 11 and 11k**, Article XI, Oregon Constitution, and less than 50 percent of registered voters eligible to vote in the election cast ballots.

SECTION 7. ORS 260.043 is amended to read:

260.043. (1) A candidate who serves as the candidate's own treasurer and who expects neither the aggregate contributions to be received nor the aggregate expenditures to be made by or on behalf of the candidate to exceed [~~\$350~~] **\$750** in total amount during a calendar year is not required to:

- (a) File a statement of organization under ORS 260.039;
- (b) Establish a single exclusive campaign account under ORS 260.054; or
- (c) File statements under ORS 260.057.

(2) A candidate described in subsection (1) of this section must keep contribution and expenditure records for the previous 24 months.

(3) If at any time following the filing of a nominating petition, declaration of candidacy or certificate of nomination and during the calendar year either the aggregate contributions or aggregate expenditures exceed [~~\$350~~] **\$750**, the candidate shall do all of the following:

- (a) File a statement of organization under ORS 260.039.
- (b) Establish a single exclusive campaign account as required under ORS 260.054.
- (c) File a statement under ORS 260.057 showing all contributions received and expenditures made. The statement shall be filed not later than seven calendar days after aggregate contributions or aggregate expenditures exceed [~~\$350~~] **\$750** during a calendar year.

(d) If necessary, file additional statements under ORS 260.057.

(4) This section does not apply to candidates for federal office.

SECTION 8. ORS 260.055 is amended to read:

260.055. (1) Each candidate, other than a candidate for political party office, the treasurer of each political committee and the treasurer of each petition committee shall keep detailed accounts.

The accounts shall be current as of not later than the seventh calendar day after the date of receiving a contribution or making an expenditure with respect to all contributions received and all expenditures made by or on behalf of the candidate or committee that are required to be reported under ORS 260.057, 260.076 or 260.078. Subject to ORS 260.085, the accounts shall list all information required to be reported under ORS 260.083.

(2) Accounts kept by a candidate or the treasurer of a political committee may be inspected under reasonable circumstances at any time before the election to which the accounts refer or during the period specified for retention of the accounts under subsection (3) of this section by any opposing candidate or the treasurer of any political committee for the same electoral contest. The right of inspection may be enforced by writ of mandamus issued by any court of competent jurisdiction. The treasurers of political committees supporting a candidate may be joined with the candidate as defendants in a mandamus proceeding.

(3) Accounts kept by a candidate or treasurer shall be preserved by the candidate or treasurer for at least two years after the date the statement of the contribution or expenditure is filed under ORS 260.057.

(4)(a) [*Before the last statement is filed under ORS 260.057,*] **If a candidate, political committee or petition committee intends to discontinue the statement of organization of the candidate or committee and close accounts, the candidate or committee shall file with the Secretary of State a notice of intent [to discontinue the statement of organization of the candidate or committee and close accounts].** Upon receipt of the notice, the secretary shall examine each statement filed by the candidate or committee under ORS 260.044, 260.057, 260.083, 260.102, 260.112 or 260.118 to determine whether the statement is sufficient.

(b) Not later than 90 days after receipt of the notice of intent, the secretary shall notify the candidate, political committee or petition committee that the statements are sufficient or that a statement is insufficient or otherwise may violate a law or rule. The notice shall include a description of the provisions of ORS 260.407.

(c) If, after a candidate, political committee or petition committee files a notice of intent to discontinue the statement of organization of the candidate or committee and close accounts, the candidate or committee files an additional statement under ORS 260.044, 260.057, 260.083, 260.102, 260.112 or 260.118, the secretary has 90 days following the date the additional statement is filed to examine the statement and send a notification described in paragraph (b) of this subsection.

(d) When a candidate, political committee or petition committee files the last statement under ORS 260.057, the secretary shall conduct a final review. If the secretary determines that all statements filed are sufficient, the secretary shall notify the candidate, political committee or petition committee. Upon receipt of the notice, the candidate or committee may discontinue the statement of organization of the candidate, political committee or petition committee and close accounts.

SECTION 9. ORS 260.407 is amended to read:

260.407. (1)(a) Except as provided in paragraph (b) of this subsection, amounts received as contributions by a candidate or the principal campaign committee of a candidate for public office that are in excess of any amount necessary to defray [*campaign*] expenditures and any other funds donated to a holder of public office may be:

(A) Used to defray any expenses incurred in connection with the recipient's duties as a holder of public office;

(B) Transferred to any national, state or local political committee of any political party;

(C) Contributed to any organization described in section 170(c) of the Internal Revenue Code or to any charitable corporation as defined in ORS 128.620; or

(D) Used for any other lawful purpose.

(b) Amounts received as contributions by a candidate or the principal campaign committee of a candidate for public office that are in excess of any amount necessary to defray [*campaign*] expenditures and other funds donated to a holder of public office may not be:

(A) Converted by any person to any personal use other than to defray any expenses incurred in connection with the person's duties as a holder of public office or to repay to a candidate any loan the proceeds of which were used in connection with the candidate's campaign;

(B) Except as provided in this subparagraph, used to pay any money award as defined in ORS 18.005 included as part of a judgment in a civil or criminal action or any civil penalty imposed by an agency as defined in ORS 183.310 or by a local government as defined in ORS 174.116. Contributions described in this paragraph may be used to pay a civil penalty imposed under this chapter, other than a civil penalty imposed for a violation of this section or ORS 260.409; or

(C) Except as provided in this subparagraph, used to pay any legal expenses incurred by the candidate or public official in any civil, criminal or other legal proceeding or investigation that relates to or arises from the course and scope of the duties of the person as a candidate or public official. Contributions described in this paragraph may be used to pay legal expenses incurred by the candidate or public official in connection with a legal proceeding brought under this chapter, other than a proceeding brought under this section or ORS 260.409.

(2)(a) Except as provided in paragraph (b) of this subsection, amounts received as contributions by a political committee that is not a principal campaign committee that are in excess of any amount necessary to defray expenditures may be:

(A) Used to repay to the political committee any loan the proceeds of which were used in connection with the campaign;

(B) Transferred to any national, state or local political committee of any political party;

(C) Contributed to any organization described in section 170(c) of the Internal Revenue Code or to any charitable corporation as defined in ORS 128.620; or

(D) Used for any other lawful purpose.

(b) Amounts received as contributions by the political committee may not be:

(A) Converted by any person to any personal use;

(B) Except as provided in this subparagraph, used to pay any money award as defined in ORS 18.005 included as part of a judgment in a civil or criminal action or any civil penalty imposed by an agency as defined in ORS 183.310 or by a local government as defined in ORS 174.116. Contributions described in this subsection may be used to pay a civil penalty imposed under this chapter, other than a civil penalty imposed for a violation of this section or ORS 260.409; or

(C) Except as provided in this subparagraph, used to pay any legal expenses incurred by a treasurer or director of a political committee in any civil, criminal or other legal proceeding or investigation that relates to or arises from the course and scope of the duties of the person as a treasurer or director. Contributions described in this subsection may be used to pay legal expenses incurred by a treasurer or director in connection with a legal proceeding brought under this chapter, other than a proceeding brought under this section or ORS 260.409.

(3)(a) Except as provided in paragraph (b) of this subsection, amounts received as contributions by a chief petitioner or treasurer of a petition committee organized under ORS 260.118 that are in excess of any amount necessary to defray expenditures may be:

(A) Used to repay to the chief petitioner any loan the proceeds of which were used in connection with the initiative, referendum or recall petition;

(B) Transferred to any national, state or local political committee of any political party;

(C) Contributed to any organization described in section 170(c) of the Internal Revenue Code or to any charitable corporation as defined in ORS 128.620; or

(D) Used for any other lawful purpose.

(b) Amounts received as contributions by a chief petitioner or treasurer of a petition committee may not be:

(A) Converted by any person to any personal use;

(B) Except as provided in this subparagraph, used to pay any money award as defined in ORS 18.005 included as part of a judgment in a civil or criminal action or any civil penalty imposed by an agency as defined in ORS 183.310 or by a local government as defined in ORS 174.116. Contrib-

utions described in this subsection may be used to pay a civil penalty imposed under this chapter, other than a civil penalty imposed for a violation of this section or ORS 260.409; or

(C) Except as provided in this subparagraph, used to pay any legal expenses incurred by a chief petitioner or treasurer in any civil, criminal or other legal proceeding or investigation that relates to or arises from the course and scope of the duties of the person as a chief petitioner or treasurer. Contributions described in this subsection may be used to pay legal expenses incurred by a chief petitioner or treasurer in connection with a legal proceeding brought under this chapter, other than a proceeding brought under this section or ORS 260.409.

(4) As used in this section:

(a) "Contribution" and "expenditure" include a contribution or expenditure to or on behalf of an initiative, referendum or recall petition.

(b) "Funds donated" means all funds, including but not limited to gifts, loans, advances, credits or deposits of money that are donated for the purpose of supporting the activities of a holder of public office. "Funds donated" does not mean funds appropriated by the Legislative Assembly or another similar public appropriating body or personal funds of the office holder donated to an account containing only those personal funds.

(c) "Public office" does not include national or political party office.

SECTION 10. ORS 260.995 is amended to read:

260.995. (1) Except as provided in subsection (2) of this section, following an investigation under ORS 260.345, the Secretary of State or Attorney General may impose a civil penalty not to exceed \$250 for each violation of any provision of Oregon Revised Statutes relating to the conduct of any election, any rule adopted by the secretary under ORS chapters 246 to 260 or any other matter preliminary to or relating to an election, for which a civil penalty is not otherwise provided.

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

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

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

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

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

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

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

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

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

(b) Upon the secretary's or Attorney General's own motion.

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

(6) All hearings under this section shall be held not later than 45 days after the deadline for the person against whom the penalty may be assessed to request a hearing. However, if requested by the person against whom the penalty may be assessed, a hearing under subsection (4) of this section shall be held not later than 60 days after the deadline for the person against whom the penalty may be assessed to request a hearing.

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

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

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

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

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

(c) May not pay the civil penalty from contributions received by a candidate *[or the]*, a **candidate's** principal campaign committee *[of a candidate]*, a **political committee or a petition committee**.

SECTION 11. ORS 305.758 is amended to read:

305.758. (1) A payment to a political party under ORS 305.757 is considered a contribution to that political party for the purposes of ORS chapter 260.

(2) Any moneys received by the treasurer of a political party under ORS 305.757 for which a statement must be filed under ORS chapter 260 shall be reported as received from the Oregon Political Party Fund. The names of individual taxpayers are not required to be disclosed for purposes of ORS chapter 260.

SECTION 12. ORS 246.410 is amended to read:

246.410. (1)(a) **After each federal decennial census, the Secretary of State shall prepare detailed and comprehensive directives providing guidelines for fixing precinct and other electoral district boundaries based on census population figures.**

(b) After the federal decennial census and before the Legislative Assembly or Secretary of State, whichever is applicable, apportions the state into congressional and legislative districts, the secretary shall deliver the directives to:

(A) Each county clerk; and

(B) Any local government, as defined in ORS 174.116, or special government body, as defined in ORS 174.117, that fixes electoral district boundaries based on census population figures.

(2)(a) In accordance with any directive distributed by the Secretary of State under this section, the county clerk, not later than the 30th day before an election, may create, combine or divide one or more precincts. The number of electors to be included in a precinct shall not exceed 5,000. The county clerk shall fix the boundaries of the precincts and designate the precincts by numbers or names.

(b) A local government or special government body that fixes electoral district boundaries based on census population figures shall fix the electoral district boundaries in accordance with any directive distributed by the Secretary of State under this section.

SECTION 13. ORS 246.410, as amended by section 3, chapter 720, Oregon Laws 2009, is amended to read:

246.410. *[(1) The county clerk, not later than the 30th day before an election, shall create, combine or divide one or more precincts as necessary to ensure that:]*

[(a) Each precinct is part of the same congressional and legislative districts.]

[(b) Each precinct is contiguous.]

[(c) The number of electors included in a precinct does not exceed 5,000.]

[(2) The county clerk shall fix the boundaries of the precincts and designate the precincts by numbers or names.]

[(3) If the number of electors in a precinct exceeds 5,000, the county clerk shall divide the precinct into two equal precincts according to the provisions of subsection (1) of this section.]

[(4) Not later than 10 days after a county clerk creates, combines or divides a precinct under this section, the clerk shall notify the Secretary of State.]

(1)(a) After each federal decennial census, the Secretary of State shall prepare detailed and comprehensive directives providing guidelines for fixing precinct and other electoral district boundaries based on census population figures.

(b) After the federal decennial census and before the Legislative Assembly or Secretary of State, whichever is applicable, apportions the state into congressional and legislative districts, the secretary shall deliver the directives to:

(A) Each county clerk; and

(B) Any local government, as defined in ORS 174.116, or special government body, as defined in ORS 174.117, that fixes electoral district boundaries based on census population figures.

(2)(a) In accordance with any directive distributed by the Secretary of State under this section, the county clerk, not later than the 30th day before an election, may create, combine or divide one or more precincts. The number of electors to be included in a precinct shall not exceed 5,000. The county clerk shall fix the boundaries of the precincts and designate the precincts by numbers or names.

(b) A local government or special government body that fixes electoral district boundaries based on census population figures shall fix the electoral district boundaries in accordance with any directive distributed by the Secretary of State under this section.

SECTION 14. Section 10, chapter 720, Oregon Laws 2009, is amended to read:

Sec. 10. [(1)(a) The amendments to ORS 246.410 by section 3 of this 2009 Act become operative January 1, 2012.]

[(b) The amendments to ORS 246.410 by section 3 of this 2009 Act apply to precincts on and after January 1, 2012.]

[(2)] (1) The amendments to ORS 254.545 by section 4, **chapter 720, Oregon Laws 2009**, [of this 2009 Act] apply to elections held on or after January 1, 2010.

[(3)] (2) The amendments to ORS 250.105 by section 5, **chapter 720, Oregon Laws 2009**, [of this 2009 Act] apply to state initiative petitions and prospective petitions for a state measure to be initiated that are filed with the Secretary of State for the purpose of verifying whether the petition contains the required number of signatures of electors on or after [the effective date of this 2009 Act] **July 16, 2009**.

SECTION 15. ORS 260.432 is amended to read:

260.432. (1) No person shall attempt to, or actually, coerce, command or require a public employee to influence or give money, service or other thing of value to promote or oppose any political committee or to promote or oppose the nomination or election of a candidate, the gathering of signatures on an initiative, referendum or recall petition, the adoption of a measure or the recall of a public office holder.

(2) No public employee shall solicit any money, influence, service or other thing of value or otherwise promote or oppose any political committee or promote or oppose the nomination or election of a candidate, the gathering of signatures on an initiative, referendum or recall petition, the adoption of a measure or the recall of a public office holder while on the job during working hours. However, this section does not restrict the right of a public employee to express personal political views.

(3) Each public employer shall have posted in a conspicuous place likely to be seen by its employees the following notice in printed or typewritten form:

ATTENTION ALL PUBLIC EMPLOYEES:

The restrictions imposed by the law of the State of Oregon on your political activities are that "No public employee shall solicit any money, influence, service or other thing of value or otherwise promote or oppose any political committee or promote or oppose the nomination or election of a candidate, the gathering of signatures on an initiative, referendum or recall petition, the adoption

of a measure or the recall of a public office holder while on the job during working hours. However, this section does not restrict the right of a public employee to express personal political views.”

It is therefore the policy of the state and of your public employer that you may engage in political activity except to the extent prohibited by state law when on the job during working hours.

(4) Nothing in this section prohibits an employee of the legislative branch from explaining the vote of a member of the Legislative Assembly on:

(a) An Act that has been referred to the people by law or petition under section 1 (3), Article IV of the Oregon Constitution;

(b) An Act for which a prospective referendum petition has been filed under ORS 250.045; or

(c) A constitutional amendment or revision proposed under section 1 or 2, Article XVII of the Oregon Constitution.

[~~(4)~~ (5) As used in this section:

(a) “Public employee” does not include an elected official or a person appointed as a director to the board of a pilot education service district under section 11, chapter 828, Oregon Laws 2005.

(b) “Public employer” includes any board, commission, committee, department, division or institution in the executive, administrative, legislative or judicial branch of state government, and any county, city, district or other municipal corporation or public corporation organized for a public purpose, including a cooperative body formed between municipal or public corporations.

SECTION 16. ORS 260.432, as amended by section 8, chapter 589, Oregon Laws 2007, is amended to read:

260.432. (1) No person shall attempt to, or actually, coerce, command or require a public employee to influence or give money, service or other thing of value to promote or oppose any political committee or to promote or oppose the nomination or election of a candidate, the gathering of signatures on an initiative, referendum or recall petition, the adoption of a measure or the recall of a public office holder.

(2) No public employee shall solicit any money, influence, service or other thing of value or otherwise promote or oppose any political committee or promote or oppose the nomination or election of a candidate, the gathering of signatures on an initiative, referendum or recall petition, the adoption of a measure or the recall of a public office holder while on the job during working hours. However, this section does not restrict the right of a public employee to express personal political views.

(3) Each public employer shall have posted in a conspicuous place likely to be seen by its employees the following notice in printed or typewritten form:

ATTENTION ALL PUBLIC EMPLOYEES:

The restrictions imposed by the law of the State of Oregon on your political activities are that “No public employee shall solicit any money, influence, service or other thing of value or otherwise promote or oppose any political committee or promote or oppose the nomination or election of a candidate, the gathering of signatures on an initiative, referendum or recall petition, the adoption of a measure or the recall of a public office holder while on the job during working hours. However, this section does not restrict the right of a public employee to express personal political views.”

It is therefore the policy of the state and of your public employer that you may engage in political activity except to the extent prohibited by state law when on the job during working hours.

(4) Nothing in this section prohibits an employee of the legislative branch from explaining the vote of a member of the Legislative Assembly on:

(a) An Act that has been referred to the people by law or petition under section 1 (3), Article IV of the Oregon Constitution;

(b) An Act for which a prospective referendum petition has been filed under ORS 250.045; or

(c) A constitutional amendment or revision proposed under section 1 or 2, Article XVII of the Oregon Constitution.

[(4)] (5) As used in this section:

(a) "Public employee" does not include an elected official.

(b) "Public employer" includes any board, commission, committee, department, division or institution in the executive, administrative, legislative or judicial branch of state government, and any county, city, district or other municipal corporation or public corporation organized for a public purpose, including a cooperative body formed between municipal or public corporations.

SECTION 17. (1) The amendments to ORS 247.025 by section 2 of this 2010 Act apply to registration cards delivered electronically on or after the effective date of this 2010 Act.

(2) The amendments to ORS 247.295 by section 3 of this 2010 Act apply to information received by the Secretary of State or county clerk before, on or after the effective date of this 2010 Act.

(3) The amendments to ORS 250.048 by section 4 of this 2010 Act apply to registrations issued by the Secretary of State before, on or after the effective date of this 2010 Act.

(4) The amendments to ORS 253.690 by section 5 of this 2010 Act apply to elections held on or after the effective date of this 2010 Act.

(5) The amendments to ORS 260.043 by section 7 of this 2010 Act apply to calendar years beginning on or after January 1, 2011.

(6) The amendments to ORS 260.995 by section 10 of this 2010 Act apply to penalties imposed on or after the effective date of this 2010 Act.

(7) The amendments to ORS 305.758 by section 11 of this 2010 Act apply to statements filed before, on or after the effective date of this 2010 Act.

SECTION 18. (1) Pursuant to ORS 250.075 and notwithstanding ORS 250.035, if House Joint Resolution 101 (2010) is referred to the people by the Seventy-fifth Legislative Assembly, the ballot title for House Joint Resolution 101 (2010) shall be:

AMENDS CONSTITUTION: CONTINUES AND MODERNIZES AUTHORITY FOR LOWEST COST BORROWING FOR COMMUNITY COLLEGES AND PUBLIC UNIVERSITIES.

RESULT OF "YES" VOTE: "Yes" vote continues and modernizes state authority to issue lowest cost bonds to finance projects for the benefit of community colleges and public universities.

RESULT OF "NO" VOTE: "No" vote rejects modernization of authority to issue lowest cost bonds to finance projects for the benefit of community colleges and public universities.

SUMMARY: This measure continues and modernizes the state's authority to use general obligation bonds, the lowest cost method of borrowing, to finance projects for community colleges and public universities. It does not increase the current limit on borrowing. The measure clarifies that community colleges and public universities may purchase existing buildings with the proceeds of general obligation bonds. It also allows the Oregon University System to use nontax revenues to determine whether bonds to be issued under Article XI-F(1) are self-supporting. The measure allows Article XI-F(1) and XI-G bond proceeds to be used for the same parts of a project and to be used for mixed-use projects that benefit

higher education. It allows nontax revenues to be used as matching funds for Article XI-G bond proceeds.

(2) ORS 250.085 does not apply to the ballot title prepared under this section. The ballot title prepared under this section shall be the ballot title printed in the voters' pamphlet and printed on, or included with, the ballot.

(3) If House Joint Resolution 101 (2010) is referred to the people by the Seventy-fifth Legislative Assembly:

(a) The estimate of financial impact for House Joint Resolution 101 (2010) to be printed in the voters' pamphlet shall comply with the provisions of ORS 250.125, 250.127 and 250.131 except that:

(A) The estimate shall be prepared and filed with the Secretary of State not later than the date set by the secretary by rule.

(B) A petition filed under ORS 250.131 must be filed not later than the date set by the secretary by rule.

(b) The explanatory statement to be printed in the voters' pamphlet for House Joint Resolution 101 (2010) shall comply with the provisions of ORS 251.205, 251.215, 251.225, 251.230 and 251.235 except that:

(A) A committee shall be appointed and the statement shall be prepared and filed with the Secretary of State not later than the dates set by the secretary by rule.

(B) A petition filed under ORS 251.235 must be filed not later than the date set by the secretary by rule.

(c) Notwithstanding ORS 251.245 (2), the argument in support of House Joint Resolution 101 (2010) to be printed in the voters' pamphlet shall be:

A YES vote on this measure will save money for Oregon taxpayers. A YES vote means more jobs for Oregonians. A YES vote will help make certain that Oregonians have access to quality and affordable higher education.

Oregon's community colleges and public universities use Article XI-F and Article XI-G bonds to finance their capital needs. As enrollment increases, so too does the need for additional classrooms and college and university facilities.

Article XI-F(1) and Article XI-G bonds are the least expensive financing option available to the state and provide Oregon more for its money. This measure will ensure that Oregon's community colleges and public universities can continue to use Article XI-F(1) and Article XI-G bonds to finance existing buildings, which can be less expensive than building new facilities.

A YES vote will enable the Oregon University System to continue to use general obligation bonds, which have lower interest rates and are therefore less expensive, and will save taxpayer dollars.

If this measure is not approved, the Oregon University System will be forced to use more costly forms of financing to pay for its capital needs.

SECTION 19. The Secretary of State shall adopt rules necessary to implement section 18 of this 2010 Act.

SECTION 20. Notwithstanding ORS 251.245 (2), the argument in support of the measure submitted under House Joint Resolution 13 (2009) to be printed in the voters' pamphlet shall be:

Each year, more students pour into Oregon's schools. A greater number of kids sit in school classrooms, play on school playgrounds and exercise in school gyms. But our aging school facilities do not reflect this rising enrollment. Schools are havens for youth to learn, grow and succeed. It is our children who pay the price when schools are not given the tools they need to repair inadequate facilities and accommodate the growing number of students in their hallways.

By making two changes, the measure will provide K-12 schools with the ability to keep pace with facilities demands and offer students a better learning environment.

First, the measure defines "capital costs" in section 11L, Article XI of the Oregon Constitution, which specifies the allowable expenditures of a local bond. The new definition is broader and covers costs that have a useful life of more than one year, including acquisition, construction, improvement, remodeling, furnishing, equipping, maintenance or repair. Costs of routine maintenance or supplies, however, are expressly prohibited in the amended definition.

Second, the measure adds a new Article to the Oregon Constitution that allows the state to issue general obligation bonds and incur bonded indebtedness to help pay for the cost of local school capital construction. This new Article gives K-12 schools the same bonding authority as community colleges and the Oregon University System. By giving school districts this bonding authority, the state can stand with its schools and be a financial partner in ensuring the education and future of Oregon's children. This new Article in the Oregon Constitution also creates a school capital matching fund.

Oregon has a responsibility to its youth, a responsibility to provide them the best education in the best facilities our state can offer. The measure fulfills this obligation by allowing schools to access the resources needed to create and maintain our education facilities.

SECTION 21. (1) Pursuant to ORS 250.075 and notwithstanding ORS 250.035, if Senate Joint Resolution 48 (2010) is referred to the people by the Seventy-fifth Legislative Assembly, the ballot title for Senate Joint Resolution 48 (2010) shall be:

AMENDS CONSTITUTION: AUTHORIZES LOWEST-COST BORROWING FOR STATE'S REAL AND PERSONAL PROPERTY PROJECTS.

RESULT OF “YES” VOTE: “Yes” vote authorizes lowest-cost bonds to finance state owned or operated real and personal property projects. Prohibits property tax for repayment. Limits amount borrowed.

RESULT OF “NO” VOTE: “No” vote rejects authorization for state to issue lowest-cost general obligation bonds for real and personal property projects owned or operated by the state.

SUMMARY: The measure amends the Oregon Constitution to authorize the state to issue general obligation bonds to finance acquisition, construction, remodeling, repair, equipping or furnishing of state owned or operated property. General obligation bonds are the cheapest method of borrowing the state may use and would cost less than the certificates of participation the state currently uses. The bonds would save an estimated \$5 million on interest costs for each \$100 million issued. The measure does not authorize any specific bonds, but authorizes the Legislative Assembly to enact implementing legislation. The measure prohibits the levy of property taxes to repay the bonds and limits the amount of outstanding bonds to one percent of the real market value of property in the state.

(2) If a petition is filed under ORS 250.085 challenging the ballot title provided in this section, the word limits described in ORS 250.035 (2) do not apply for the purposes of judicial review.

SECTION 22. (1) Pursuant to ORS 250.075 and notwithstanding ORS 250.035, if Senate Joint Resolution 41 (2010) is referred to the people by the Seventy-fifth Legislative Assembly, the ballot title for Senate Joint Resolution 41 (2010) shall be:

AMENDS CONSTITUTION: REQUIRES LEGISLATURE TO MEET ANNUALLY; LIMITS LENGTH OF LEGISLATIVE SESSIONS; PROVIDES EXCEPTIONS.

RESULT OF “YES” VOTE: “Yes” vote requires Legislative Assembly to meet each year, limits regular sessions to 160 days in odd-numbered years and 35 days in even-numbered years, and allows five-day extensions by two-thirds vote.

RESULT OF “NO” VOTE: “No” vote retains current law, requiring regular sessions of Legislative Assembly only in odd-numbered years, with no limit on length of sessions.

SUMMARY: The Oregon Constitution currently requires legislative sessions to be held biennially. Current law permits the Legislative Assembly to meet without a limit on the length of session. This measure requires the Legislative Assembly to meet each year, limits regular sessions to 160 calendar days in odd-numbered years and 35 calendar days in even-numbered years, and allows regular session to be extended by five days with an affirmative vote of two-thirds of the members of each chamber.

(2) If a petition is filed under ORS 250.085 challenging the ballot title provided in this section, the word limits described in ORS 250.035 (2) do not apply for the purposes of judicial review.

SECTION 23. This 2010 Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2010 Act takes effect on its passage.

Passed by Senate February 17, 2010

Repassed by Senate February 25, 2010

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Secretary of Senate

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President of Senate

Passed by House February 23, 2010

Repassed by House February 25, 2010

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Speaker of House

Received by Governor:

.....M,....., 2010

Approved:

.....M,....., 2010

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Governor

Filed in Office of Secretary of State:

.....M,....., 2010

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Secretary of State