

REVENUE: No revenue impact

FISCAL: Minimal fiscal impact, no statement issued

Action: Do Pass as Amended and Be Printed Engrossed

Vote: 4 - 1 - 0

Yeas: Beyer, Burdick, Ferrioli, Rosenbaum

Nays: Atkinson

Exc.: 0

Prepared By: Erin Seiler, Administrator

Meeting Dates: 3/17, 5/26

WHAT THE MEASURE DOES: Makes payment for signature gathering for initiative or referendum petition based on number of signatures obtained for violation of wage and hour statutes.

ISSUES DISCUSSED:

- Current enforcement authority regarding payment for signature prohibition
- Role of Bureau of Labor and Industries (BOLI) in enforcing payment for signature prohibition
- Need to expand enforcement authority
- Effect on cost of initiative process
- Effect on citizen participation in initiative process
- Ability of BOLI to implement enforcement authority in way manner consistent with Secretary of State

EFFECT OF COMMITTEE AMENDMENT: Deletes authority of BOLI Commissioner to assess a civil penalty for unlawful deduction of employee's wages for measure.

BACKGROUND: In 2002, voters approved Ballot Measure 26, which amended the Oregon Constitution to prohibit the compensation or receipt of compensation on a per-signature basis for signatures collected on all initiative and referendum petitions. An individual hired to collect signatures for initiative or referendum petition must be paid no less than the state minimum wage, as well as overtime for any hours over 40 worked in a work week, and may be paid bonuses for good work. Chief petitioners are required to provide payroll records to establish that signature gatherers are not being paid per signature or receiving bonuses based on a formula that constitutes pay-per-signature.

Currently, the Secretary of State Elections Division is responsible for enforcement of the prohibition against pay-for-signature violations and may investigate violations upon receipt of a report of a potential violation. However, some aspects of the prohibition against pay-per-signature are wage and hour violations, which fall under the jurisdiction of the Bureau of Labor and Industries (BOLI), including the ability to inspect payroll records, enforce minimum wage and overtime laws, and record keeping requirements.

Senate Bill 159-A designates pay-per-signature arrangements for initiative or referendum petitions as a violation of wage and hour statutes and permits BOLI to investigate and assess up to a \$1,000 civil penalty for violations.