

House Bill 2775

Sponsored by Representative THATCHER (Pre-session filed.)

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**.

Specifies circumstances under which Secretary of State may invalidate or exclude signatures from statistical sampling used to verify signatures on state initiative or referendum petition.

A BILL FOR AN ACT

1
2 Relating to signature verification; creating new provisions; and amending ORS 250.105.

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

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

5 250.105. (1)(a) An initiative or referendum petition relating to a state measure must be filed with
6 the Secretary of State for the purpose of verifying whether the petition contains the required num-
7 ber of signatures of electors.

8 (b) Signatures previously verified on a prospective petition for a state measure to be initiated
9 shall be included in the calculation under this section for the purpose of verifying whether the ini-
10 tiative petition contains the required number of signatures of electors.

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

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

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

18 (2)(a) Once every month, the chief petitioner of an initiative petition relating to a state measure
19 shall file with the secretary all signature sheets containing signatures of electors obtained by a
20 person being paid to obtain signatures on the petition since the previous monthly filing. The secre-
21 tary shall hold all signature sheets filed under this subsection unless the chief petitioner withdraws
22 the petition.

23 (b) The secretary shall adopt rules prescribing the dates by which signature sheets must be filed
24 each month. The secretary may not accept signature sheets containing signatures of electors ob-
25 tained by a person being paid to obtain signatures on the petition before the previous monthly filing
26 deadline prescribed under this paragraph for purposes of determining whether an initiative petition
27 relating to a state measure contains the required number of signatures of electors under this sec-
28 tion.

29 (3) The secretary may not accept a referendum petition relating to a state measure for filing if
30 the petition contains less than 100 percent of the required number of signatures. The secretary may
31 not determine whether an initiative petition contains the required number of signatures of electors

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 unless at least 100 percent of the required number of signatures have been filed with the secretary.

2 (4) If the total number of signatures required on an initiative petition or referendum petition is
 3 submitted not less than 165 days before the election at which the proposed measure is to be voted
 4 upon and if the secretary determines that insufficient signatures have been submitted but the dead-
 5 line for filing signatures on the petition has not passed, the petitioners may submit additional sig-
 6 natures.

7 (5) The secretary by rule shall designate a statistical sampling technique to verify whether a
 8 petition contains the required number of signatures of electors. A petition may not be rejected for
 9 the reason that it contains less than the required number of signatures unless two separate sampling
 10 processes both establish that the petition lacks the required number of signatures. The second
 11 sampling must contain a larger number of signatures than the first sampling. If two samplings are
 12 required under this subsection, the total number of signatures verified on the petition shall be not
 13 less than five percent of the total number of signatures on the petition.

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

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

23 (8) The Secretary of State may employ professional assistance to determine the sampling tech-
 24 nique to be designated under subsection (5) of this section.

25 (9) The Secretary of State and the county clerk, if requested, shall permit authorized persons to
 26 be at the office of the secretary or county clerk to watch the verification of signatures on a state
 27 initiative petition or prospective petition for a state measure to be initiated under this section. The
 28 authorization shall be in writing and shall be filed with the secretary or county clerk. The secretary
 29 or county clerk shall permit only as many persons as watchers under this subsection as will not
 30 interfere with an orderly procedure at the office of the secretary or county clerk.

31 **(10)(a) Except as described in this subsection, the Secretary of State shall verify each**
 32 **signature submitted for signature verification under this section using the statistical sam-**
 33 **pling technique.**

34 **(b) A signature may not be invalidated or excluded from a statistical sampling due to a**
 35 **scrivener’s error in form or presentation, including a scrivener’s error in a date or address**
 36 **provided.**

37 **(c) If an elector’s signature appears more than once on a petition, the secretary may**
 38 **invalidate or exclude all but one of the signatures from the statistical sampling.**

39 **(d) A signature must be invalidated or excluded from a statistical sampling if the signa-**
 40 **ture is found to be fraudulent or forged.**

41 **SECTION 2. The amendments to ORS 250.105 by section 1 of this 2011 Act apply to initi-**
 42 **ative or referendum petitions relating to a state measure that are filed with the Secretary**
 43 **of State on or after the effective date of this 2011 Act.**