

# House Bill 2776

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**.

Requires Secretary of State or county clerk to send list of invalid signatures on state initiative or referendum 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, 2012.

Declares emergency, effective on passage.

## A BILL FOR AN ACT

1  
2 Relating to signatures on elections petitions; creating new provisions; amending ORS 192.502,  
3 250.052, 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 previously verified on a prospective petition for a state measure to be initiated  
10 shall be included in the calculation under this section for the purpose of verifying whether the ini-  
11 tiative petition contains the required 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) A filed initiative or referendum petition must contain only original signatures. The secretary  
17 or county clerk shall verify each petition in the order in which the petitions are filed with the  
18 secretary.

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

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

**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 tion.

2 (3) The secretary may not accept a referendum petition relating to a state measure for filing if  
 3 the petition contains less than 100 percent of the required number of signatures. The secretary may  
 4 not determine whether an initiative petition contains the required number of signatures of electors  
 5 unless at least 100 percent of the required number of signatures have been filed with the secretary.

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

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

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

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

27 **(8)(a) If during the signature verification process, the secretary or county clerk deter-**  
 28 **mines that a signature on a petition is invalid, the secretary or county clerk shall send to**  
 29 **the chief petitioner a list of the invalid signatures. The secretary or county clerk shall indi-**  
 30 **cate on the list the reason for determining that each signature is invalid.**

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

33 **(c) A person who receives notice from a chief petitioner under this subsection may con-**  
 34 **tact the secretary or county clerk to verify the person’s signature no later than 30 days after**  
 35 **the deadline for filing the petition.**

36 [(8)] (9) The Secretary of State may employ professional assistance to determine the sampling  
 37 technique to be designated under subsection (5) of this section.

38 [(9)] (10) The Secretary of State and the county clerk, if requested, shall permit authorized  
 39 persons to be at the office of the secretary or county clerk to watch the verification of signatures  
 40 on a state initiative petition or prospective petition for a state measure to be initiated under this  
 41 section. The authorization shall be in writing and shall be filed with the secretary or county clerk.  
 42 The secretary or county clerk shall permit only as many persons as watchers under this subsection  
 43 as will not interfere with an orderly procedure at the office of the secretary or county clerk.

44 **SECTION 2.** ORS 192.502, as amended by section 15, chapter 76, Oregon Laws 2010, is amended  
 45 to read:

1 192.502. The following public records are exempt from disclosure under ORS 192.410 to 192.505:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

20 (12) Employee and retiree address, telephone number and other nonfinancial membership records  
21 and employee financial records maintained by the Public Employees Retirement System pursuant to  
22 ORS chapters 238 and 238A.

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

27 (a) The exemption does not apply to:

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

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

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

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

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

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

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

45 (D) Records containing information regarding the portfolio positions in which an investment

1 fund, an asset ownership or their respective investment vehicles invest.

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

4 (F) Investment agreements and related documents.

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

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

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

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

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

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

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

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

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

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

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

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

29 (17)(a) The following records, communications and information submitted to the Oregon Business  
30 Development Commission, the Oregon Business Development Department, the State Department of  
31 Agriculture, the Oregon Growth Account Board, the Port of Portland or other ports, as defined in  
32 ORS 777.005, by applicants for investment funds, loans or services including, but not limited to,  
33 those described in ORS 285A.224:

34 (A) Personal financial statements.

35 (B) Financial statements of applicants.

36 (C) Customer lists.

37 (D) Information of an applicant pertaining to litigation to which the applicant is a party if the  
38 complaint has been filed, or if the complaint has not been filed, if the applicant shows that such  
39 litigation is reasonably likely to occur; this exemption does not apply to litigation which has been  
40 concluded, and nothing in this subparagraph shall limit any right or opportunity granted by discov-  
41 ery or deposition statutes to a party to litigation or potential litigation.

42 (E) Production, sales and cost data.

43 (F) Marketing strategy information that relates to applicant's plan to address specific markets  
44 and applicant's strategy regarding specific competitors.

45 (b) The following records, communications and information submitted to the State Department

1 of Energy by applicants for tax credits:

2 (A) Personal financial statements.

3 (B) Financial statements of applicants.

4 (C) Customer lists.

5 (D) Information of an applicant pertaining to litigation to which the applicant is a party if the  
6 complaint has been filed, or if the complaint has not been filed, if the applicant shows that such  
7 litigation is reasonably likely to occur; this exemption does not apply to litigation which has been  
8 concluded, and nothing in this subparagraph shall limit any right or opportunity granted by discov-  
9 ery or deposition statutes to a party to litigation or potential litigation.

10 (E) Production, sales and cost data.

11 (F) Marketing strategy information that relates to applicant's plan to address specific markets  
12 and applicant's strategy regarding specific competitors.

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

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

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

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

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

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

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

34 (b) When necessary for the director, other governmental agencies of this state or the United  
35 States to carry out their duties, functions or powers.

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

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

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

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

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

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

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

1 and

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

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

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

7 (b) Credit reports.

8 (c) Project appraisals.

9 (d) Market studies and analyses.

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

11 (f) Commitment letters.

12 (g) Project pro forma statements.

13 (h) Project cost certifications and cost data.

14 (i) Audits.

15 (j) Project tenant correspondence.

16 (k) Personal information about a tenant.

17 (L) Housing assistance payments.

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

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

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

34 (28) Personally identifiable information about customers of a municipal electric utility or a  
 35 people's utility district or the names, dates of birth, driver license numbers, telephone numbers,  
 36 electronic mail addresses or Social Security numbers of customers who receive water, sewer or  
 37 storm drain services from a public body as defined in ORS 174.109. The utility or district may re-  
 38 lease personally identifiable information about a customer, and a public body providing water, sewer  
 39 or storm drain services may release the name, date of birth, driver license number, telephone num-  
 40 ber, electronic mail address or Social Security number of a customer, if the customer consents in  
 41 writing or electronically, if the disclosure is necessary for the utility, district or other public body  
 42 to render services to the customer, if the disclosure is required pursuant to a court order or if the  
 43 disclosure is otherwise required by federal or state law. The utility, district or other public body  
 44 may charge as appropriate for the costs of providing such information. The utility, district or other  
 45 public body may make customer records available to third party credit agencies on a regular basis

1 in connection with the establishment and management of customer accounts or in the event such  
 2 accounts are delinquent.

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

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

7 (31) Documents, materials or other information submitted to the Director of the Department of  
 8 Consumer and Business Services in confidence by a state, federal, foreign or international regulatory  
 9 or law enforcement agency or by the National Association of Insurance Commissioners, its affiliates  
 10 or subsidiaries under ORS 86A.095 to 86A.198, 86A.990, 86A.992, 697.005 to 697.095, 697.602 to  
 11 697.842, 705.137, 717.200 to 717.320, 717.900 or 717.905, ORS chapter 59, 723, 725 or 726, the Bank  
 12 Act or the Insurance Code when:

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

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

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

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

20 (a) Generation, storage or conveyance of:

21 (A) Electricity;

22 (B) Gas in liquefied or gaseous form;

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

24 (D) Petroleum products;

25 (E) Sewage; or

26 (F) Water.

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

28 (c) Data transmissions by whatever means provided.

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

31 (35)(a) Employer account records of the State Accident Insurance Fund Corporation.

32 (b) As used in this subsection, "employer account records" means all records maintained in any  
 33 form that are specifically related to the account of any employer insured, previously insured or un-  
 34 der consideration to be insured by the State Accident Insurance Fund Corporation and any infor-  
 35 mation obtained or developed by the corporation in connection with providing, offering to provide  
 36 or declining to provide insurance to a specific employer. "Employer account records" includes, but  
 37 is not limited to, an employer's payroll records, premium payment history, payroll classifications,  
 38 employee names and identification information, experience modification factors, loss experience and  
 39 dividend payment history.

40 (c) The exemption provided by this subsection may not serve as the basis for opposition to the  
 41 discovery documents in litigation pursuant to applicable rules of civil procedure.

42 (36)(a) Claimant files of the State Accident Insurance Fund Corporation.

43 (b) As used in this subsection, "claimant files" includes, but is not limited to, all records held  
 44 by the corporation pertaining to a person who has made a claim, as defined in ORS 656.005, and all  
 45 records pertaining to such a claim.

1 (c) The exemption provided by this subsection may not serve as the basis for opposition to the  
 2 discovery documents in litigation pursuant to applicable rules of civil procedure.

3 (37) Except as authorized by ORS 408.425, records that certify or verify an individual's discharge  
 4 or other separation from military service.

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

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

9 250.052. (1)(a) For each state initiative, referendum or recall petition, the Secretary of State  
 10 shall prepare official templates of the cover and signature sheets for the petition. Except as pro-  
 11 vided in this section, templates of cover and signature sheets for state initiative and referendum  
 12 petitions are subject to the requirements of ORS 250.045. The templates of signature sheets to be  
 13 used by persons who are being paid to obtain signatures on the petition shall be a different color  
 14 from the sheets to be used by persons who are not being paid to obtain signatures on the petition.

15 (b) For each prospective petition for a state measure to be initiated the secretary shall prepare  
 16 official templates of the cover and signature sheets. The templates of signature sheets to be used  
 17 by persons who are being paid to obtain signatures on the prospective petition shall be a different  
 18 color from the sheets to be used by persons who are not being paid to obtain signatures on the  
 19 prospective petition. Each signature sheet for the prospective petition shall:

20 (A) Contain a notice describing the meaning of the color of the signature sheet; and

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

24 (2) A person obtaining signatures on a state initiative, referendum or recall petition or a pro-  
 25 spective petition for a state measure to be initiated may use only the cover and signature sheets  
 26 contained in the official templates prepared for the petition or prospective petition. A person who  
 27 is being paid to obtain signatures on the petition or prospective petition shall use the signature  
 28 sheet template designated for use by persons being paid to obtain signatures. A person who is not  
 29 being paid to obtain signatures on the petition or prospective petition shall use the signature sheet  
 30 template designated for use by persons who are not being paid to obtain signatures.

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

35 [(3)] (4) The secretary shall issue templates for a petition or prospective petition only to a chief  
 36 petitioner of the petition or prospective petition or to an agent designated by a chief petitioner.

37 [(4)] (5) The secretary shall issue official templates to a chief petitioner or designated agent not  
 38 later than:

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

43 (b) Three business days after a prospective petition is filed under ORS 249.865 or 250.045 for a  
 44 state recall petition or state referendum petition; or

45 (c) Three business days after the chief petitioner files a statement with the secretary under ORS

1 250.045 (2) for a prospective petition for a state measure to be initiated.

2 [(5)] (6) Not later than five business days after the deadline for the secretary to issue templates  
 3 under subsection [(4)] (5) of this section, a chief petitioner of a state initiative, referendum or recall  
 4 petition or a prospective petition for a state measure to be initiated may submit to the secretary a  
 5 written request for modification of the templates. The secretary shall approve or disapprove the  
 6 request not later than five business days after receiving the request. If the secretary disapproves the  
 7 request, the secretary shall advise the chief petitioner in writing of the reasons for the disapproval.

8 [(6)] (7) In addition to the templates prepared under subsections (1) to [(5)] (6) of this section,  
 9 for each state initiative, referendum or recall petition, the secretary shall prepare an official elec-  
 10 tronic template of a signature sheet for the petition. A template prepared under this subsection shall  
 11 allow space for the signature of one elector. An elector may print a copy of the electronic signature  
 12 sheet for a petition, sign the sheet and deliver the signed sheet to a chief petitioner or an agent  
 13 designated by a chief petitioner. Electronic templates described in this subsection are subject to the  
 14 requirements of **subsection (3) of this section and ORS 250.045**, other than ORS 250.045 (6), (9) and  
 15 (10).

16 [(7)] (8) The secretary shall adopt rules prescribing the contents and method of production of  
 17 official templates required under this section.

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

19 250.165. (1) Before circulating a petition to initiate or refer a county measure, the petitioner  
 20 shall file with the county clerk a prospective petition. The county clerk immediately shall date and  
 21 time stamp the prospective petition, and specify the form on which the petition shall be printed for  
 22 circulation. The clerk shall retain the prospective petition.

23 (2) The cover of an initiative or referendum petition shall designate the name and residence  
 24 address of not more than three persons as chief petitioners and shall contain instructions for per-  
 25 sons obtaining signatures of electors on the petition. The instructions shall be adopted by the Sec-  
 26 retary of State by rule. The cover of a referendum petition shall contain the title described in ORS  
 27 250.175 (1). If the circuit court has not reviewed the ballot title under ORS 250.195, the cover of an  
 28 initiative petition shall contain the ballot title described in ORS 250.175 (3). If the circuit court has  
 29 reviewed the ballot title, the cover of the initiative petition shall contain the title certified by the  
 30 court.

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

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

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

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

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

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

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

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

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

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

12       (7) Unless otherwise provided by a county ordinance, the gathering of signatures on a petition  
 13 to initiate a county measure may not exceed a period of two years from the time the petition is  
 14 approved for circulation.

15       (8) A county clerk may not accept for filing any petition which has not met the provisions of  
 16 subsection (7) of this section.

17       (9) A petition to initiate a county measure must be filed not less than 90 days before the election  
 18 at which the proposed law is to be voted on.

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

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

23       250.265. (1) Before circulating a petition to initiate or refer a city measure, the petitioner shall  
 24 file with the city elections officer a prospective petition. The officer immediately shall date and time  
 25 stamp the prospective petition, and specify the form on which the petition shall be printed for cir-  
 26 culation. The officer shall retain the prospective petition.

27       (2) The cover of an initiative or referendum petition shall designate the name and residence  
 28 address of not more than three persons as chief petitioners and shall contain instructions for per-  
 29 sons obtaining signatures of electors on the petition. The instructions shall be adopted by the Sec-  
 30 retary of State by rule. The cover of a referendum petition shall contain the title described in ORS  
 31 250.275 (1). If the circuit court has not reviewed the ballot title under ORS 250.296, the cover of an  
 32 initiative petition shall contain the ballot title described in ORS 250.275 (3). If the circuit court has  
 33 reviewed the ballot title, the cover of the initiative petition shall contain the title certified by the  
 34 court.

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

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

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

44       (4)(a) Each sheet of signatures on an initiative petition shall contain the caption of the ballot  
 45 title. Each sheet of signatures on a referendum petition shall contain the number of the ordinance

1 or resolution to be referred, if any, and the date it was adopted by the city governing body.

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

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

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

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

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

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

16 (7) Unless otherwise provided by a city ordinance, the gathering of signatures on a petition to  
 17 initiate a city measure may not exceed a period of two years from the time the petition is approved  
 18 for circulation.

19 (8) A city elections officer may not accept for filing any petition which has not met the pro-  
 20 visions of subsection (7) of this section.

21 (9) A petition to initiate a city measure must be filed not less than 90 days before the election  
 22 at which the proposed law is to be voted on.

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

26 **SECTION 6. (1) The amendments to ORS 250.105 by section 1 of this 2011 Act apply to**  
 27 **signatures on initiative, referendum or recall petitions submitted for signature verification**  
 28 **on or after January 1, 2012.**

29 **(2) The amendments to ORS 192.502, 250.052, 250.165 and 250.265 by sections 2 to 5 of this**  
 30 **2011 Act apply to signature sheets for initiative, referendum or recall petitions that are cir-**  
 31 **culated or signed on or after January 1, 2012.**

32 **SECTION 7. The Secretary of State, a county clerk or other elections officer may take**  
 33 **any action before the operative date specified in section 8 of this 2011 Act that is necessary**  
 34 **to enable the secretary, clerk or elections officer to exercise, on or after the operative date**  
 35 **specified in section 8 of this 2011 Act, all the duties, functions and powers conferred upon**  
 36 **the secretary, clerk or elections officer by the amendments to ORS 192.502, 250.052, 250.105,**  
 37 **250.165 and 250.265 by sections 1 to 5 of this 2011 Act.**

38 **SECTION 8. The amendments to ORS 192.502, 250.052, 250.105, 250.165 and 250.265 by**  
 39 **sections 1 to 5 of this 2011 Act become operative January 1, 2012.**

40 **SECTION 9. This 2011 Act being necessary for the immediate preservation of the public**  
 41 **peace, health and safety, an emergency is declared to exist, and this 2011 Act takes effect**  
 42 **on its passage.**