

Senate Bill 911

Sponsored by COMMITTEE ON RULES

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 to establish Initiative and Referendum Hotline for reports of election law or rule violations.

Provides that no person may discriminate or retaliate against person who reports violation. Provides civil cause of action.

Becomes operative on January 1, 2012.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to petitions; and declaring an emergency.

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

4 **SECTION 1. Sections 2 and 3 of this 2011 Act are added to and made a part of ORS**
5 **chapter 250.**

6 **SECTION 2. (1) The Secretary of State shall establish a toll-free telephone line that is**
7 **available for the purpose of reporting a violation of an election law or rule adopted by the**
8 **secretary under ORS chapters 246 to 260 by any person registered to pay or receive money**
9 **or other valuable consideration for obtaining signatures of electors on a state initiative,**
10 **referendum or recall petition or a prospective petition for a state measure under ORS**
11 **250.048.**

12 **(2) Notwithstanding any other provision of law, the identity of any person making a re-**
13 **port under this section is confidential.**

14 **(3) No person may discriminate or retaliate against a person for reporting a violation**
15 **under this section.**

16 **(4) The secretary may proceed as if the secretary received a complaint under ORS**
17 **260.345.**

18 **(5) The toll-free telephone line required to be established under subsection (1) of this**
19 **section shall be known as the Initiative and Referendum Hotline. The secretary shall prepare**
20 **written notices that explain the purpose of the Initiative and Referendum Hotline and that**
21 **prominently display the telephone number for the hotline. The notice shall be posted in all**
22 **state offices. If a state office is open to members of the public, the notice shall be posted in**
23 **a place where the public is most likely to see the notice.**

24 **(6) The secretary shall publicize the availability of the Initiative and Referendum Hotline**
25 **through print and electronic media.**

26 **SECTION 3. (1) Any person claiming to be aggrieved by a violation of section 2 (3) of this**
27 **2011 Act may file a civil action in circuit court. In any action under this subsection, the**
28 **court may order injunctive relief and any other equitable relief that may be appropriate. In**
29 **any action under this subsection, the court may allow the prevailing party costs and rea-**

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 sonable attorney fees at trial and on appeal. Except as provided in subsection (2) of this
2 section:

3 (a) The judge shall determine the facts in an action under this subsection; and

4 (b) Upon any appeal of a judgment in an action under this subsection, the appellate court
5 shall review the judgment pursuant to the standard established by ORS 19.415 (3).

6 (2) In any action under subsection (1) of this section alleging a violation of section 2 (3)
7 of this 2011 Act:

8 (a) The court may award, in addition to the relief authorized under subsection (1) of this
9 section, compensatory damages or \$200, whichever is greater, and punitive damages;

10 (b) At the request of any party, the action shall be tried to a jury;

11 (c) Upon appeal of any judgment finding a violation, the appellate court shall review the
12 judgment pursuant to the standard established by ORS 19.415 (1); and

13 (d) Any attorney fee agreement shall be subject to approval by the court.

14 **SECTION 4.** The Secretary of State may take any action before January 1, 2012, that is
15 necessary to enable the secretary to exercise, on and after January 1, 2012, all the duties,
16 functions and powers conferred upon the secretary by section 2 of this 2011 Act.

17 **SECTION 5.** Sections 2 and 3 of this 2011 Act become operative on January 1, 2012.

18 **SECTION 6.** This 2011 Act being necessary for the immediate preservation of the public
19 peace, health and safety, an emergency is declared to exist, and this 2011 Act takes effect
20 on its passage.

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