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Dear Senator:

The floor of the Senate will soon receive SB 154, one of the most extreme anti-initiative bills I can recall over the past two decades.

I and the co-signors of this letter ask that you vote "no" on SB 154.

SB 154 requires that any "organization or entity that pays money or other valuable consideration to a person for obtaining signatures of electors on a state initiative, referendum or recall petition * * * shall register with the Secretary of State," shall identify "one or more individuals who represent the organization or entity," and requires each of those individuals to submit a sworn statement:

"(A) Acknowledging that the individual 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; and

(B) Affirming that the organization or entity operates in compliance with the law."

This change has the major effect of transforming any violation of election law by an initiative, referendum, or recall campaign--however minor--into the felony of false swearing. It requires the individuals responsible for any organization that pays circulators to swear that "the entity operates in compliance with the law." So, if it is later found that the entity did not operate in full compliance with all laws, then the individuals who signed the statement can be charged with the felony of false swearing.

The penalty for false swearing under the election laws is huge. ORS 260.715(1) prohibits such false swearing, and ORS 260.993 makes violation of 260.715 a Class C felony--punishable by a fine of \$125,000 and/or 5 years in prison. Many of the Secretary of State's forms recite those penalties for making a false statement on a form.

Robert Wolfe was the Chief Petitioner for IP 24 (2012), which sought to legalize marijuana. The Secretary of State charged the IP 24 signature drive with having "paid per signature" on 26 of the 30,000+ signature sheets it submitted, and she is seeking to fine Mr. Wolfe \$65,000 for those 26 sheets. The testimony in the

administrative hearing shows that personnel of the Elections Division of the Secretary of State (SOS ED), after having concluded that the 26 sheets had offended, deliberately delayed any notification to Mr. Wolfe until he had filed his next monthly "accounting" for the IP 24 campaign. Every monthly "accounting" requires signed affirmation that the campaign was not paying per signature. The SOS ED personnel then referred Wolfe's monthly accounting to the Attorney General for criminal prosecution (for false swearing).

The Attorney General found insufficient evidence of any violation of law. But the Robert Wolfe experience illustrates the danger in transforming every election law violation, however minor, into the felony of false swearing.

If this is a good idea for individuals and organizations pursuing ballot measures, then surely it would be an equally good idea for candidates as well. Imagine if the Secretary of State or Attorney General or any county District Attorney could slap felony charges on any candidate who violates any election law, however minor?

SB 154 represents the extreme criminalization of direct democracy. If enacted, it will most certainly spawn litigation challenging its validity under the Oregon Constitution and U.S. Constitution.

Please vote "no" on SB 154.

Daniel Meek

Co-Chair, Independent Party of Oregon

Additional Signers in Alphabetical Order

Knute Buehler	2012 Republican Nominee for Secretary of State
Ross Day	attorney representing numerous ballot measure sponsors and petitioners; former Director of Legal Affairs, Oregonians in Action
Paul Jacob	President, Citizens in Charge
Kevin Mannix	President, Common Sense for Oregon President, Oregon Anti-Crime Alliance
Sal Peralta	Secretary, Independent Party of Oregon
Elizabeth Trojan	State Council, Oregon Progressive Party
Robert Wolfe	2012 Oregon Progressive Party Nominee for Secretary of State
Seth Woolley	2008 & 2012 Pacific Green Party Nominee for Secretary of State; Executive Director, Portland Green Party