

**REVENUE: No revenue impact**

**FISCAL: Minimal fiscal impact, no statement issued**

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**Action:** Do Pass as Amended and Be Printed Engrossed

**Vote:** 5 - 0 - 0

**Yeas:** Beyer, Burdick, Ferrioli, Starr, Rosenbaum

**Nays:** 0

**Exc.:** 0

**Prepared By:** Lori Brocker, Administrator

**Meeting Dates:** 4/10, 5/8

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**WHAT THE MEASURE DOES:** Requires chief petitioner to ensure criminal records check is conducted for paid signature gatherer applicant. Allows either chief petitioner or applicant to conduct check. Requires one criminal records check per biennial general election period. Allows agent of chief petitioner to submit signatures on initiative petition to Secretary of State on monthly basis. Gives Secretary of State rule-making authority to determine scope of records check. Limits keeping of accounts to statewide initiative or referendum petitions. Allows district attorney or city attorney to correct clerical error in ballot title for county or city measure. Defines “clerical error.” Creates whistleblower protection for person paid to obtain signatures on petition for initiative, referendum, recall or prospective petition for state measure to be initiated, if person reports violation of state or federal election law, rule or regulation. Declares an emergency, effective on passage.

**ISSUES DISCUSSED:**

- Requirement to perform background checks
- Effective date of measure, if passed, and impact on initiative process
- Adequacy of notice to petitioners
- Whistleblower protection provision
- Responsibility for performing background check and impact on democratic process

**EFFECT OF COMMITTEE AMENDMENT:** Requires chief petitioner to ensure criminal records check is conducted for paid signature gatherer applicant. Allows either chief petitioner or applicant to conduct check. Requires one criminal records check per biennial general election period.

**BACKGROUND:** In 1902, Oregon’s original Constitution (1857) was amended to establish an initiative and referendum process for approving both statutory measures and constitutional amendments. The initiative process gives direct legislative power to the voters to enact new laws, change existing laws, or amend the Oregon Constitution. Since 1902, the Oregon Constitution has been amended more than a hundred times.

The initiative process has been used much more frequently in recent decades than it was used previously, and a number of legislative changes to the process have occurred. House Bill 2082 (2007), known as the Initiative Reform Modernization Act (IRMA), required paid signature gatherers to register and complete training with the Secretary of State. IRMA also prohibited persons convicted of fraud, forgery, or identity theft within the previous five years from being paid signature gatherers and required chief petitioners and signature gatherers to use cover and signature sheet templates prepared by the Secretary of State.

Senate Bill 148A extends IRMA reforms by requiring chief petitioners to ensure background checks on paid signature gatherers are completed, creating whistleblower protections for signature gatherers who report violations, allowing district or city attorneys to correct clerical errors in ballot titles, and clarifying language related to certain statutory provisions pertaining to initiatives.

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*This summary has not been adopted or officially endorsed by action of the committee.*