

REVENUE: No revenue impact

FISCAL: Minimal fiscal impact, no statement issued

Action: Do Pass

Vote: 7 - 2 - 0

Yeas: Barnhart, Berger, Dembrow, Holvey, Hoyle, Jenson, Garrett

Nays: Hicks, Kennemer

Exc.: 0

Prepared By: Erin Seiler, Administrator

Meeting Dates: 6/13

WHAT THE MEASURE DOES: Requires chief petitioner ensure criminal records check conducted for paid signature gatherer applicants. Allows either chief petitioner or applicant to conduct check. Requires one check per biennial general election period. Allows chief petitioner’s agent to submit initiative petition signatures to Secretary of State monthly. Reiterates Secretary of State’s rulemaking 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
- Whistleblower protection provision
- Responsibility for performing background check
- Type of criminal convictions that prohibit individual from being paid signature gatherer
- Role of District Attorney is local ballot measure process

EFFECT OF COMMITTEE AMENDMENT: No amendment.

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 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 modified a number of times since its inception, and its use has increased dramatically. 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 employed as signature gatherers, and required chief petitioners and signature gatherers to use templates prepared by the Secretary of State.

Senate Bill 148-A builds on IRMA reforms: it requires chief petitioners to ensure background checks are obtained on paid signature gatherers; it provides whistleblower protections for signature gatherers who report violations; it allows prosecutors to correct clerical errors in ballot titles; and it clarifies some language pertaining to initiatives.