

REVENUE: No revenue impact

FISCAL: No fiscal impact

Action: Do Pass
Vote: 5 - 4 - 0
Yeas: Barnhart, Dembrow, Holvey, Hoyle, Garrett
Nays: Berger, Hicks, Jenson, Kennemer
Exc.: 0
Prepared By: Erin Seiler, Administrator
Meeting Dates: 6/13, 6/26

WHAT THE MEASURE DOES: Requires organization or entity paying signature gatherers register with Secretary of State. Requires one or more persons representing organization or entity engaged in signature gathering complete statutory training implemented by Secretary of State. Requires statement certifying that person or persons have read and understood Oregon law pertaining to signature gathering. Requires written affirmation that organization or entity complies with law. Operative January 1, 2014. Declares an emergency, effective on passage.

ISSUES DISCUSSED:

- Extension of current law for paid signature gathers to include employing entities
- Liability of person representing organization
- Definition of “knowingly”
- Responsibility to comply with elections laws and rule
- Possible amendments
- Types of criminal violation
- Frequency of violations

EFFECT OF COMMITTEE AMENDMENT: No amendment.

BACKGROUND: In 1902, Oregon’s original constitution (1857) was amended to establish the initiative and referendum process to give direct power to voters to enact new laws, change existing laws, or to amend the Oregon constitution.

The initiative and referendum process has been used numerous times since 1902, but with the most frequency in recent decades, leading to some legislative reforms:

House Bill 2082 (2007), now known as the Initiative Reform Modernization Act (IRMA), required paid signature gatherers to register and complete training with the Secretary of State; prohibited persons convicted of fraud, forgery, or identity theft within the previous five years from working as paid signature gatherers; and required chief petitioners and signature gatherers to use cover and signature sheet templates prepared by the Secretary of State.

House Bill 2005 (2009) expanded on the 2007 reforms by making the IRMA provisions for paid signature gathers and chief petitioners applicable to prospective petitions as well as initiative petitions. It also broadened the Secretary of State’s authority to prevent forgery and fraudulent activity by requiring comprehensive background checks, allowing concurrent civil and criminal enforcement of election violations, and making chief petitioners liable when they “should have known” that a signature gatherer had broken the law.

Senate Bill 154 extends the requirement for registration, training, and certification of training beyond individual paid signature gatherers to include *entities or organizations* that hire and pay individual signature gatherers.

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