

Senate Bill 151

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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 circulator of petitions to certify on each signature sheet that circulator did not violate any laws in obtaining signatures on sheet.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to election petitions; creating new provisions; amending ORS 198.430, 198.750, 221.031,
3 248.008, 249.061, 249.740, 249.865, 250.045, 250.165, 250.265, 255.135, 261.115 and 545.025; and de-
4 claring an emergency.

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

6 **SECTION 1.** ORS 250.045 is amended to read:

7 250.045. (1) Before circulating a petition to initiate or refer a state measure under section 1,
8 Article IV, Oregon Constitution, the petitioner shall file with the Secretary of State a prospective
9 petition. The prospective petition for a state measure to be initiated shall contain the signatures of
10 at least 1,000 electors. The signature sheets must be attached to a full and correct copy of the
11 measure to be initiated.

12 (2) Before obtaining signatures on a prospective petition for a state measure to be initiated, the
13 chief petitioners shall file with the secretary a statement declaring whether one or more persons
14 will be paid money or other valuable consideration for obtaining signatures of electors on the pro-
15 spective petition. After a statement has been filed under this subsection, the chief petitioners shall
16 notify the secretary not later than the 10th day after any of the chief petitioners first has knowledge
17 or should have had knowledge that:

18 (a) Any person is being paid for obtaining signatures, when the statement filed under this sub-
19 section declared that no such person would be paid.

20 (b) No person is being paid for obtaining signatures, when the statement filed under this sub-
21 section declared that one or more such persons would be paid.

22 (3) The secretary by rule shall establish procedures for verifying whether a prospective petition
23 for a state measure to be initiated contains the required number of signatures of electors.

24 (4) The secretary shall date and time stamp the prospective petition and specify the form on
25 which the initiative or referendum petition shall be printed for circulation as provided in ORS
26 250.052. The secretary shall retain the prospective petition.

27 (5) The chief petitioner may amend the state measure to be initiated that has been filed with the
28 secretary without filing another prospective petition, if:

29 (a) The Attorney General certifies to the secretary that the proposed amendment will not sub-
30 stantially change the substance of the measure; and

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 (b) The deadline for submitting written comments on the draft title has not passed.

2 (6) The cover of an initiative or referendum petition shall designate the name and residence
3 address of not more than three persons as chief petitioners and shall contain instructions for per-
4 sons obtaining signatures of electors on the petition. The instructions shall be adopted by the sec-
5 retary by rule. The cover of a referendum petition shall contain the final measure summary
6 described in ORS 250.065 (1). If a petition seeking a different ballot title is not filed with the Su-
7 preme Court by the deadline for filing a petition under ORS 250.085, the cover of an initiative peti-
8 tion shall contain the latest ballot title certified by the Attorney General under ORS 250.067 (2).
9 However, if the Supreme Court has reviewed the ballot title, the cover of the initiative petition shall
10 contain the title certified by the court.

11 (7) The chief petitioners shall include with the prospective petition a statement declaring
12 whether one or more persons will be paid money or other valuable consideration for obtaining sig-
13 natures of electors on the initiative or referendum petition. After the prospective petition is filed,
14 the chief petitioners shall notify the filing officer not later than the 10th day after any of the chief
15 petitioners first has knowledge or should have had knowledge that:

16 (a) Any person is being paid for obtaining signatures, when the statement included with the
17 prospective petition declared that no such person would be paid.

18 (b) No person is being paid for obtaining signatures, when the statement included with the pro-
19 spective petition declared that one or more such persons would be paid.

20 (8)(a) Each sheet of signatures on an initiative petition shall contain the caption of the ballot
21 title. Each sheet of signatures on a referendum petition shall contain the subject expressed in the
22 title of the Act to be referred.

23 (b) Each sheet of signatures on an initiative or referendum petition shall:

24 (A) Contain a notice describing the meaning of the color of the signature sheet in accordance
25 with ORS 250.052; and

26 (B) If one or more persons will be paid for obtaining signatures of electors on the petition,
27 contain a notice stating: "Some Circulators For This Petition Are Being Paid." The notice shall be
28 in boldfaced type and shall be prominently displayed on the sheet.

29 (c) The secretary by rule shall adopt a method of designation to distinguish signature sheets of
30 referendum petitions containing the same subject reference and being circulated during the same
31 period.

32 (9) The reverse side of the cover of an initiative or referendum petition shall be used for ob-
33 taining signatures on the initiative or referendum petition.

34 (10) Not more than 20 signatures on the signature sheet of the initiative or referendum petition
35 may be counted. The circulator shall certify on each signature sheet of the initiative or referendum
36 petition that the circulator:

37 (a) Witnessed the signing of the signature sheet by each individual whose signature appears on
38 the signature sheet[; *and*].

39 (b) Believes each individual is an elector.

40 (c) **Did not violate any laws in obtaining the signatures on the sheet.**

41 (11) The person obtaining signatures on the petition shall carry at least one full and correct
42 copy of the measure to be initiated or referred and shall allow any person to review a copy upon
43 request of the person.

44 **SECTION 2.** ORS 250.165 is amended to read:

45 250.165. (1) Before circulating a petition to initiate or refer a county measure, the petitioner

1 shall file with the county clerk a prospective petition. The county clerk immediately shall date and
 2 time stamp the prospective petition, and specify the form on which the petition shall be printed for
 3 circulation. The clerk shall retain the prospective petition.

4 (2) The cover of an initiative or referendum petition shall designate the name and residence
 5 address of not more than three persons as chief petitioners and shall contain instructions for per-
 6 sons obtaining signatures of electors on the petition. The instructions shall be adopted by the Sec-
 7 retary of State by rule. The cover of a referendum petition shall contain the title described in ORS
 8 250.175 (1). If the circuit court has not reviewed the ballot title under ORS 250.195, the cover of an
 9 initiative petition shall contain the ballot title described in ORS 250.175 (3). If the circuit court has
 10 reviewed the ballot title, the cover of the initiative petition shall contain the title certified by the
 11 court.

12 (3) The chief petitioners shall include with the prospective petition a statement declaring
 13 whether one or more persons will be paid money or other valuable consideration for obtaining sig-
 14 natures of electors on the initiative or referendum petition. After the prospective petition is filed,
 15 the chief petitioners shall notify the filing officer not later than the 10th day after any of the chief
 16 petitioners first has knowledge or should have had knowledge that:

17 (a) Any person is being paid for obtaining signatures, when the statement included with the
 18 prospective petition declared that no such person would be paid.

19 (b) No person is being paid for obtaining signatures, when the statement included with the pro-
 20 spective petition declared that one or more such persons would be paid.

21 (4)(a) Each sheet of signatures on an initiative petition shall contain the caption of the ballot
 22 title. Each sheet of signatures on a referendum petition shall contain the number of the ordinance
 23 or resolution to be referred, if any, and the date it was adopted by the county governing body.

24 (b) Each sheet of signatures on an initiative or referendum petition shall, if one or more persons
 25 will be paid for obtaining signatures of electors on the petition, contain a notice stating: "Some
 26 Circulators For This Petition Are Being Paid."

27 (5) The reverse side of the cover of an initiative or referendum petition shall be used for ob-
 28 taining signatures on an initiative or referendum petition.

29 (6) Not more than 20 signatures on the signature sheet of the initiative or referendum petition
 30 shall be counted. The circulator shall certify on each signature sheet that the circulator:

31 (a) Witnessed the signing of the signature sheet by each individual whose signature appears on
 32 the signature sheet[; *and*].

33 (b) Believes each individual is an elector registered in the county.

34 (c) **Did not violate any laws in obtaining the signatures on the sheet.**

35 (7) Unless otherwise provided by a county ordinance, the gathering of signatures on a petition
 36 to initiate a county measure may not exceed a period of two years from the time the petition is
 37 approved for circulation.

38 (8) A county clerk may not accept for filing any petition which has not met the provisions of
 39 subsection (7) of this section.

40 (9) A petition to initiate a county measure must be filed not less than 90 days before the election
 41 at which the proposed law is to be voted on.

42 (10) The person obtaining signatures on the petition shall carry at least one full and correct
 43 copy of the measure to be initiated or referred and shall allow any person to review a copy upon
 44 request of the person.

45 **SECTION 3.** ORS 250.265 is amended to read:

1 250.265. (1) Before circulating a petition to initiate or refer a city measure, the petitioner shall
2 file with the city elections officer a prospective petition. The officer immediately shall date and time
3 stamp the prospective petition, and specify the form on which the petition shall be printed for cir-
4 culation. The officer shall retain the prospective petition.

5 (2) The cover of an initiative or referendum petition shall designate the name and residence
6 address of not more than three persons as chief petitioners and shall contain instructions for per-
7 sons obtaining signatures of electors on the petition. The instructions shall be adopted by the Sec-
8 retary of State by rule. The cover of a referendum petition shall contain the title described in ORS
9 250.275 (1). If the circuit court has not reviewed the ballot title under ORS 250.296, the cover of an
10 initiative petition shall contain the ballot title described in ORS 250.275 (3). If the circuit court has
11 reviewed the ballot title, the cover of the initiative petition shall contain the title certified by the
12 court.

13 (3) The chief petitioners shall include with the prospective petition a statement declaring
14 whether one or more persons will be paid money or other valuable consideration for obtaining sig-
15 natures of electors on the initiative or referendum petition. After the prospective petition is filed,
16 the chief petitioners shall notify the filing officer not later than the 10th day after any of the chief
17 petitioners first has knowledge or should have had knowledge that:

18 (a) Any person is being paid for obtaining signatures, when the statement included with the
19 prospective petition declared that no such person would be paid.

20 (b) No person is being paid for obtaining signatures, when the statement included with the pro-
21 spective petition declared that one or more such persons would be paid.

22 (4)(a) Each sheet of signatures on an initiative petition shall contain the caption of the ballot
23 title. Each sheet of signatures on a referendum petition shall contain the number of the ordinance
24 or resolution to be referred, if any, and the date it was adopted by the city governing body.

25 (b) Each sheet of signatures on an initiative or referendum petition shall, if one or more persons
26 will be paid for obtaining signatures of electors on the petition, contain a notice stating: "Some
27 Circulators For This Petition Are Being Paid."

28 (5) The reverse side of the cover of an initiative or referendum petition shall be used for ob-
29 taining signatures on an initiative or referendum petition.

30 (6) Not more than 20 signatures on the signature sheet of the initiative or referendum petition
31 shall be counted. The circulator shall certify on each signature sheet that the circulator:

32 (a) Witnessed the signing of the signature sheet by each individual whose signature appears on
33 the signature sheet[; *and*].

34 (b) Believes each individual is an elector registered in the city.

35 **(c) Did not violate any laws in obtaining the signatures on the sheet.**

36 (7) Unless otherwise provided by a city ordinance, the gathering of signatures on a petition to
37 initiate a city measure may not exceed a period of two years from the time the petition is approved
38 for circulation.

39 (8) A city elections officer may not accept for filing any petition which has not met the pro-
40 visions of subsection (7) of this section.

41 (9) A petition to initiate a city measure must be filed not less than 90 days before the election
42 at which the proposed law is to be voted on.

43 (10) The person obtaining signatures on the petition shall carry at least one full and correct
44 copy of the measure to be initiated or referred and shall allow any person to review a copy upon
45 request of the person.

1 **SECTION 4.** ORS 198.430 is amended to read:

2 198.430. (1) Before circulating a petition for recall of a district officer of a district other than
3 a district defined in ORS 255.012, the petitioner shall file the petition with the officer with whom a
4 petition for nomination to such office should be filed. Except as provided in this subsection, if there
5 is no such officer or if the officer is the district officer against whom the petition is being filed, the
6 petition shall be filed with the county clerk of the county in which the administrative office of the
7 district is located. In the case of an irrigation district organized under ORS chapter 545, if there is
8 no such officer or if the officer is the district officer against whom the petition is being filed, the
9 petition shall be filed with the board of directors of the irrigation district.

10 (2) The petition shall be signed by a number of persons who are qualified to vote in the district,
11 that is equal to but not less than the lesser of:

12 (a) Fifteen percent of the persons who are qualified to vote in the district, or subdivision of the
13 district from which the district officer was elected; or

14 (b) Fifteen percent of the total votes cast in the electoral district for all candidates for Governor
15 at the most recent election at which a candidate for Governor was elected to a full term.

16 (3) The circulator of the signature sheet shall certify on each sheet that the circulator:

17 (a) Witnessed the signing of the signature sheet by each individual whose signature appears on
18 the signature sheet[; *and*].

19 (b) Believes each individual stated the correct residence address of the individual and is an in-
20 dividual qualified to vote in the district.

21 **(c) Did not violate any laws in obtaining the signatures on the sheet.**

22 (4) In those districts where a person qualified to vote must be an elector, the petition, before
23 filing, shall be submitted to the county clerk who shall compare the signatures of the persons sign-
24 ing the petition with the signatures of electors on the register of electors and, on the face of each
25 signature sheet, shall make a certificate of the number of signatures the county clerk believes to
26 be genuine. In other districts, the officer who receives the petition for filing, before filing the peti-
27 tion, shall verify the signatures and make a certificate of the number of signatures the officer be-
28 lieves to be genuine.

29 (5) The district shall pay the expense of verifying the signatures and of calling and conducting
30 the election. The election shall be conducted in the district, or in the subdivision of the district from
31 which the district officer was elected, in accordance with the law governing election of district of-
32 ficers.

33 (6) A person who is qualified to vote in a district under this section is a person who is qualified,
34 under the law applicable to the district, to vote in an election at which members of the governing
35 body of the district are elected.

36 (7) A recall petition is void unless the petition is filed not later than the 100th day after the date
37 of the first signature on the petition. Not later than the 90th day after the date of the first signature,
38 the petition shall be submitted for signature verification to the county clerk or other officer de-
39 scribed in subsection (4) of this section who shall make the certificate of the number of genuine
40 signatures not later than the 10th day after the date of submission. The petition must contain only
41 original signatures. A recall petition shall not be accepted for signature verification if the petition
42 contains less than 100 percent of the required number of signatures. A recall petition shall not be
43 accepted for filing until 100 percent of the required number of signatures have been verified.

44 **SECTION 5.** ORS 198.750 is amended to read:

45 198.750. (1) If a proposal for formation or change of organization of a district is made by peti-

1 tion, the petition shall:

2 (a) State that the petition is filed pursuant to ORS 198.705 to 198.955.

3 (b) State the names of all affected districts and all affected counties.

4 (c) Designate the principal Act of each affected district.

5 (d) State the nature of the proposal, whether formation of a district or change of organization
6 and the kind of change proposed.

7 (e) State whether the territory subject to the petition is inhabited or uninhabited.

8 (f) If the petition is for formation, and district board members are elected, state the number of
9 members on the board.

10 (g) If the petition is for formation, include a proposed permanent rate limit for operating taxes
11 sufficient to support the services and functions described in the economic feasibility statement re-
12 quired by ORS 198.749. A tax rate limit need not be included in the petition if no tax revenues are
13 necessary to support the services and functions described in the economic feasibility statement. The
14 tax rate limit shall be expressed in dollars per thousand dollars of assessed value. The tax rate limit
15 shall be calculated for the latest tax year for which the assessed value of the proposed district is
16 available.

17 (h) Set forth any proposed terms and conditions, if any, to which a proposed formation or change
18 of organization is to be subject.

19 (i) State, or indicate opposite each signature, whether the signers of the petition are landowners
20 within the district or electors registered in the district, or both.

21 (j) Request that proceedings be taken for the formation or change of organization proposed.

22 (2) If the petition proposes formation of a district, the petition shall set forth a description of
23 the boundaries of the territory proposed to be included in the district. If the petition proposes
24 annexation or withdrawal of territory, the petition shall set forth a description of the boundaries
25 of the territory to be annexed or withdrawn.

26 (3) If a petition proposes formation of a district, or consolidation or merger of districts, the pe-
27 tition may propose a name for the new district or for the surviving or successor district.

28 (4) The circulator of the petition shall certify on each signature sheet of the petition that the
29 circulator:

30 (a) Witnessed the signing of the signature sheet by each individual whose signature appears on
31 the signature sheet.

32 (b) **Did not violate any laws in obtaining the signatures on the sheet.**

33 **SECTION 6.** ORS 221.031 is amended to read:

34 221.031. (1) Before circulating a petition to incorporate unincorporated territory as a city, the
35 petitioners shall file a petition for incorporation in a form prescribed by rule of the Secretary of
36 State with:

37 (a) The county clerk of the county in which the proposed city lies; or

38 (b) If the proposed city lies in more than one county, the county clerk of the county in which
39 the largest part of its territory lies.

40 (2) The county clerk shall immediately date and time stamp the prospective petition and shall
41 authorize the circulation of the petition when the economic feasibility statement required by ORS
42 221.035 is filed with the county clerk. The county clerk shall retain the prospective petition and
43 economic feasibility statement and shall immediately send two copies of the prospective petition to
44 the appropriate county court.

45 (3)(a) A petition for incorporation filed with the county clerk under subsection (1) of this section

1 shall designate the name and residence address of not more than three persons as chief petitioners,
2 who shall be electors registered within the boundaries of the proposed city.

3 (b) The petition shall contain the name of the proposed city.

4 (c) The petition shall include a proposed permanent rate limit for operating taxes that would
5 generate operating tax revenues sufficient to support an adequate level of municipal services. The
6 tax rate limit shall be expressed in dollars per thousand dollars of assessed value. The tax rate limit
7 shall be calculated for the latest tax year for which the assessed value of the proposed city is
8 available.

9 (d) There shall be attached to the cover sheet of the petition a map indicating the exterior
10 boundaries of the proposed city. The map shall not exceed 14 inches by 17 inches in size and shall
11 be used in lieu of a metes and bounds or legal description of the proposed city.

12 (e) If the territory proposed to be incorporated is within the jurisdiction of a local government
13 boundary commission, the petition shall be accompanied by the economic feasibility analysis re-
14 quired under ORS 199.476 (1). Notwithstanding subsection (2) of this section, unless the economic
15 feasibility analysis is approved by the local government boundary commission as provided in ORS
16 199.522, the county clerk shall not authorize the circulation of the petition.

17 (f) If the petitioners propose not to extinguish a special district pursuant to ORS 222.510 (2) or
18 a county service district pursuant to ORS 451.585 (1), the petition shall include a statement of this
19 proposal.

20 (4)(a) Each sheet of signatures shall be attached to a full and correct copy of the petition for
21 incorporation. Not more than 20 signatures on each sheet of the petition for incorporation shall be
22 counted.

23 (b) The circulator shall certify on each signature sheet that the circulator:

24 (A) Witnessed the signing of the signature sheet by each individual whose signature appears on
25 the signature sheet [*and that the circulator*].

26 (B) Believes each individual is an elector registered in the county.

27 (C) **Did not violate any laws in obtaining the signatures on the sheet.**

28 (c) If the territory proposed to be incorporated is within the jurisdiction of a local government
29 boundary commission, each signature sheet shall contain a statement that the economic feasibility
30 analysis for the proposed city was approved by the boundary commission, that the analysis is
31 available for inspection at the offices of the boundary commission and that subsequent to the gath-
32 ering of the petitions the boundary commission must review and finally approve the proposal prior
33 to submission at an election.

34 **SECTION 7.** ORS 248.008 is amended to read:

35 248.008. (1) An affiliation of electors becomes a minor political party in the state, a county or
36 other electoral district, qualified to make nominations for public office in that electoral district and
37 in any other electoral district wholly contained within the electoral district, when either of the
38 following events occurs:

39 (a) When the affiliation of electors has filed with the Secretary of State a petition with the
40 signatures of at least a number of electors equal to one and one-half percent of the total votes cast
41 in the electoral district for all candidates for Governor at the most recent election at which a can-
42 didate for Governor was elected to a full term. The petition also must state the intention to form
43 a new political party and give the designation of it. The petition must contain only original signa-
44 tures and must be filed not later than two years following the date the prospective petition is filed.
45 The circulator shall certify on each signature sheet that the circulator witnessed the signing of the

1 signature sheet by each individual whose signature appears on the signature sheet, [*and that the*
2 *circulator*] believes each individual is an elector registered in the electoral district **and did not vi-**
3 **olate any laws in obtaining the signatures on the sheet.** The Secretary of State shall verify
4 whether the petition contains the required number of signatures of electors. The Secretary of State
5 may not accept a petition for filing if it contains less than 100 percent of the required number of
6 signatures. The Secretary of State by rule shall designate a statistical sampling technique to verify
7 whether a petition contains the required number of signatures of electors. A petition may not be
8 rejected for the reason that it contains less than the required number of signatures unless two
9 separate sampling processes both establish that the petition lacks the required number of signatures.
10 The second sampling must contain a larger number of signatures than the first sampling. The Sec-
11 retary of State may employ professional assistance to determine the sampling technique. The sta-
12 tistical sampling technique may be the same as that adopted under ORS 250.105. Before circulating
13 the petition, the chief sponsor of the petition must file with the Secretary of State a signed copy of
14 the prospective petition. The chief sponsor must include with the prospective petition a statement
15 declaring whether one or more persons will be paid money or other valuable consideration for ob-
16 taining signatures of electors on the petition. After the prospective petition is filed, the chief spon-
17 sor must notify the filing officer not later than the 10th day after the chief sponsor first has
18 knowledge or should have had knowledge that:

19 (A) Any person is being paid for obtaining signatures, when the statement included with the
20 prospective petition declared that no such person would be paid.

21 (B) No person is being paid for obtaining signatures, when the statement included with the
22 prospective petition declared that one or more such persons would be paid.

23 (b) When the affiliation of electors has polled for any one of its candidates for any public office
24 in the electoral district at least one percent of the total votes cast in the electoral district for all
25 candidates for:

26 (A) Presidential elector at the last general election at which candidates for President and Vice
27 President of the United States were listed on the ballot; or

28 (B) Any single state office to be voted upon in the state at large for which nominations by pol-
29 itical parties are permitted by law at the most recent election at which a candidate for the office
30 was elected to a full term.

31 (2) After satisfying either requirement of subsection (1) of this section, the minor political party
32 may nominate candidates for election at the next general election.

33 (3) A filing officer may not accept a certificate of nomination of a candidate nominated by a
34 minor political party for a subsequent general election unless the minor political party has satisfied
35 the requirements of subsection (4)(a) or (b) of this section.

36 (4) After a minor political party qualifies to nominate candidates for a general election under
37 subsection (1) of this section, in order to maintain status as a minor political party for a subsequent
38 general election:

39 (a)(A) Following each general election, at any time during the period beginning on the date of
40 the next primary election and ending on the 90th day before the next general election, a number
41 of electors equal to at least one-tenth of one percent of the total votes cast in the state or electoral
42 district for all candidates for Governor at the most recent election at which a candidate for Gov-
43 ernor was elected to a full term must be registered as members of the party; and

44 (B) A candidate or candidates of the party must poll a number of votes described in subsection
45 (1)(b) of this section at each subsequent general election; or

1 (b) Following each general election, at any time during the period beginning on the date of the
 2 next primary election and ending on the 90th day before the next general election, a number of
 3 electors equal to at least one-half of one percent of the total number of registered electors in this
 4 state must be registered as members of the party.

5 (5) An affiliation of electors that fails to maintain its status as a minor political party, as de-
 6 scribed in subsection (4) of this section, ceases to be a minor political party on the 90th day before
 7 the date of the next general election.

8 (6) During the period beginning on the date of the primary election and ending on the 90th day
 9 before the date of the general election, the Secretary of State shall determine not less than once
 10 each month whether the registration requirements of subsection (4) of this section have been satis-
 11 fied. If the minor political party changes its name, only those electors who register on or after the
 12 effective date of the name change as members of the party under the new party name shall be
 13 counted as members of the party under this subsection.

14 (7) An affiliation of electors or a minor political party may not satisfy the one percent require-
 15 ment referred to in subsection (1)(b) of this section by nominating a candidate who is the nominee
 16 of another political party at the same election.

17 (8) For purposes of this section, "subsequent general election" means any general election that
 18 is held after the first general election following qualification as a minor political party under sub-
 19 section (1) of this section.

20 **SECTION 8.** ORS 249.061 is amended to read:

21 249.061. (1) A petition for nomination may not contain the name of more than one candidate.

22 (2) Before circulating a nominating petition, the candidate shall deliver to the officer with whom
 23 the petition will be filed:

24 (a) A statement signed by the candidate indicating that the candidacy is by prospective petition;
 25 and

26 (b) A copy of the prospective petition.

27 (3) The candidate shall include with the nominating petition a statement declaring whether one
 28 or more persons will be paid money or other valuable consideration for obtaining signatures of
 29 electors on the nominating petition. After the nominating petition is filed, the candidate shall notify
 30 the filing officer not later than the 10th day after the candidate first has knowledge or should have
 31 had knowledge that:

32 (a) Any person is being paid for obtaining signatures, when the statement included with the
 33 nominating petition declared that no such person would be paid.

34 (b) No person is being paid for obtaining signatures, when the statement included with the
 35 nominating petition declared that one or more such persons would be paid.

36 (4) The circulator shall certify on each signature sheet that the circulator:

37 (a) Witnessed the signing of the signature sheet by each individual whose signature appears on
 38 the signature sheet[; *and*].

39 (b) Believes each individual is an elector qualified to sign the petition.

40 (c) **Did not violate any laws in obtaining the signatures on the sheet.**

41 **SECTION 9.** ORS 249.740 is amended to read:

42 249.740. (1) A certificate of nomination made by individual electors shall contain a number of
 43 signatures of electors in the electoral district equal to not less than one percent of the total votes
 44 cast in the electoral district for which the nomination is intended to be made, for all candidates for
 45 presidential electors at the last general election.

1 (2) Each elector signing a certificate of nomination made by individual electors shall include the
 2 residence or mailing address of the elector. Except for a certificate of nomination of candidates for
 3 electors of President and Vice President of the United States, a certificate of nomination made by
 4 individual electors shall contain the name of only one candidate.

5 (3) Before beginning to circulate the certificate of nomination, the chief sponsor of the certif-
 6 icate shall file a signed copy of the prospective certificate with the filing officer referred to in ORS
 7 249.722. The chief sponsor of the certificate shall include with the prospective certificate a state-
 8 ment declaring whether one or more persons will be paid money or other valuable consideration for
 9 obtaining signatures of electors on the certificate. After the prospective certificate is filed, the chief
 10 sponsor shall notify the filing officer not later than the 10th day after the chief sponsor first has
 11 knowledge or should have had knowledge that:

12 (a) Any person is being paid for obtaining signatures, when the statement included with the
 13 prospective certificate declared that no such person would be paid.

14 (b) No person is being paid for obtaining signatures, when the statement included with the pro-
 15 spective certificate declared that one or more such persons would be paid.

16 (4) The circulator shall certify on each signature sheet that the circulator:

17 (a) Witnessed the signing of the signature sheet by each individual whose signature appears on
 18 the signature sheet[; *and*].

19 (b) Believes each individual is an elector registered in the electoral district.

20 (c) **Did not violate any laws in obtaining the signatures on the sheet.**

21 (5) The signatures contained in each certificate of nomination made by individual electors shall
 22 be certified for genuineness by the county clerk under ORS 249.008.

23 (6) As used in this section, “prospective certificate” means the information, except signatures
 24 and other identification of certificate signers, required to be contained in a completed certificate
 25 of nomination.

26 **SECTION 10.** ORS 249.865 is amended to read:

27 249.865. (1) Pursuant to section 18, Article II of the Oregon Constitution, an elector of the
 28 electoral district from which the public officer is elected may file a petition demanding the recall
 29 of the public officer. Before the petition is circulated for signatures, the chief petitioner of the pe-
 30 tition shall file with the officer authorized to order the recall election a copy of the prospective
 31 petition signed by the chief petitioner.

32 (2) The chief petitioner shall include with the prospective petition a statement declaring whether
 33 one or more persons will be paid money or other valuable consideration for obtaining signatures of
 34 electors on the recall petition. After the prospective petition is filed, the chief petitioner shall notify
 35 the filing officer not later than the 10th day after the chief petitioner first has knowledge or should
 36 have had knowledge that:

37 (a) Any person is being paid for obtaining signatures, when the statement included with the
 38 prospective petition declared that no such person would be paid.

39 (b) No person is being paid for obtaining signatures, when the statement included with the pro-
 40 spective petition declared that one or more such persons would be paid.

41 (3) Each sheet of the recall petition must contain:

42 (a) The words “Petition for recall of,” (name and title of officer) and the date of the filing under
 43 subsection (1) of this section; and

44 (b) The name and address of the treasurer or the chief petitioner listed on the statement of or-
 45 ganization filed under subsection (1) of this section.

1 (4) Not more than 20 signatures on each sheet of the recall petition shall be counted. The
 2 circulator shall certify on each signature sheet that the circulator:

3 (a) Witnessed the signing of the signature sheet by each individual whose signature appears on
 4 the signature sheet[; *and*].

5 (b) Believes each individual is an elector.

6 (c) **Did not violate any laws in obtaining the signatures on the sheet.**

7 (5) Any intentional or willful violation of subsection (1) or (2) of this section by a chief petitioner
 8 of the recall petition or by the treasurer listed on the statement of organization filed under sub-
 9 section (1) of this section invalidates the prospective petition before it is circulated for signatures.

10 **SECTION 11.** ORS 255.135 is amended to read:

11 255.135. (1) Before circulating a petition to initiate or refer a district measure, the petitioner
 12 shall file with the elections officer a prospective petition. The elections officer immediately shall
 13 date and time stamp the prospective petition, and specify the form on which the petition shall be
 14 printed for circulation. The officer shall retain the prospective petition.

15 (2) The cover of an initiative or referendum petition shall designate the name and residence
 16 address of not more than three persons as chief petitioners and shall contain instructions for per-
 17 sons obtaining signatures of electors on the petition. The instructions shall be adopted by the Sec-
 18 retary of State by rule. The cover of a referendum petition shall contain the title described in ORS
 19 255.145 (1). If the circuit court has not reviewed the ballot title under ORS 255.155, the cover of an
 20 initiative petition shall contain the ballot title described in ORS 255.145 (3). If the circuit court has
 21 reviewed the ballot title, the cover of the initiative petition shall contain the title certified by the
 22 court.

23 (3) The chief petitioners shall include with the prospective petition a statement declaring
 24 whether one or more persons will be paid money or other valuable consideration for obtaining sig-
 25 natures of electors on the initiative or referendum petition. After the prospective petition is filed,
 26 the chief petitioners shall notify the filing officer not later than the 10th day after any of the chief
 27 petitioners first has knowledge or should have had knowledge that:

28 (a) Any person is being paid for obtaining signatures, when the statement included with the
 29 prospective petition declared that no such person would be paid.

30 (b) No person is being paid for obtaining signatures, when the statement included with the pro-
 31 spective petition declared that one or more such persons would be paid.

32 (4)(a) Each sheet of signatures on an initiative petition shall contain the caption of the ballot
 33 title. Each sheet of signatures on a referendum petition shall contain the number of the ordinance
 34 to be referred and the date it was adopted by the district board.

35 (b) Each sheet of signatures on an initiative or referendum petition shall, if one or more persons
 36 will be paid for obtaining signatures of electors on the petition, contain a notice stating: "Some
 37 Circulators For This Petition Are Being Paid."

38 (5) The reverse side of the cover of an initiative or referendum petition shall be used for ob-
 39 taining signatures on an initiative or referendum petition.

40 (6) Not more than 20 signatures on the signature sheet of the initiative or referendum petition
 41 shall be counted. The circulator shall certify on each signature sheet that the circulator:

42 (a) Witnessed the signing of the signature sheet by each individual whose signature appears on
 43 the signature sheet[; *and*].

44 (b) Believes each individual is an elector registered in the district.

45 (c) **Did not violate any laws in obtaining the signatures on the sheet.**

1 (7) Unless otherwise provided by a district ordinance, the gathering of signatures on a petition
 2 to initiate a district measure may not exceed a period of two years from the time the petition is
 3 approved for circulation.

4 (8) The elections officer may not accept for filing any petition that has not met the provisions
 5 of subsection (7) of this section.

6 (9) A petition to initiate a district measure must be filed not less than 90 days before the
 7 election at which the proposed law is to be voted on.

8 (10) The person obtaining signatures on the petition shall carry at least one full and correct
 9 copy of the measure to be initiated or referred and shall allow any person to review a copy upon
 10 request of the person.

11 **SECTION 12.** ORS 261.115 is amended to read:

12 261.115. (1) All electors' petitions shall contain a statement as to whether or not the petitioners
 13 are desirous of forming a utility district, or to annex territory to an existing utility district, or to
 14 consolidate two or more existing utility districts, the description of the territory sought to be in-
 15 cluded therein and the name by which the utility district is to be known. The statement shall be
 16 printed on a separate page or pages.

17 (2) There shall be a signature sheet with sufficient space for 20 signatures, and opposite the
 18 name of each signer, a space for the residence address of the signers of the petition and the number
 19 of their voting precinct. The circulator shall certify on each signature sheet that the circulator:

20 (a) Witnessed the signing of the signature sheet by each individual whose signature appears on
 21 the signature sheet[; *and*].

22 (b) Believes that each individual stated the correct residence address of the individual and that
 23 the individual is an elector.

24 **(c) Did not violate any laws in obtaining the signatures on the sheet.**

25 (3) An electors' petition shall designate three or more persons as chief petitioners and shall set
 26 forth their names and mailing addresses.

27 **SECTION 13.** ORS 545.025 is amended to read:

28 545.025. (1) When owners of land that is irrigated or susceptible to irrigation desire to provide
 29 for the construction of works for irrigation of their land, to provide for the reconstruction,
 30 betterment, extension, purchase, operation or maintenance of works already constructed, or to pro-
 31 vide for the assumption of indebtedness to the United States incurred under the federal reclamation
 32 laws on account of their lands, they may propose the organization of an irrigation district under the
 33 Irrigation District Law by signing a petition and filing it with the county court of the principal
 34 county, as defined in ORS 198.705. The petition must be signed by a majority of the owners of land
 35 or 50 owners of land within the exterior boundaries of the proposed district.

36 (2) The petition shall set forth:

37 (a) A statement that the petition is filed for the formation of an irrigation district under the
 38 Irrigation District Law;

39 (b) The name of the proposed district;

40 (c) A description of the exterior boundaries of the proposed district. The description may be by
 41 metes and bounds, quarter quarter section lines or assessor's map and tax lot numbers;

42 (d) A statement declaring whether the district board of directors shall consist of three or five
 43 members and, if three members, whether the district shall be subdivided for the election of directors
 44 or whether directors shall be elected at large; and

45 (e) A request that proceedings be taken for the formation of the district.

1 (3) ORS 198.760, 198.765, 198.770 and 198.775 apply to petitions for the formation of an irrigation
 2 district, except that an economic feasibility statement is not required.

3 (4) The circulator shall certify on each signature sheet that the circulator:

4 (a) Witnessed the signing of the signature sheet by each individual whose signature appears on
 5 the signature sheet.

6 (b) **Did not violate any laws in obtaining the signatures on the sheet.**

7 (5) A description and map of all of the lands that are included within the proposed district and
 8 that will be subject to the charges and assessments of the district, together with the names and
 9 mailing addresses of all of the owners of the lands, shall be included in the petition or attached to
 10 the petition as an exhibit. Reference to the assessor's map and tax lot number is sufficient for the
 11 description of lands required under this subsection.

12 (6) When the petition for formation is filed with the county court of the principal county, the
 13 county court shall set a date for a hearing on the petition. The date set for the hearing shall be not
 14 less than 30 days nor more than 50 days after the date on which the petition is filed. The county
 15 court shall cause notice of the hearing to be posted in at least three public places in the county and
 16 published by two insertions in a newspaper. The notice shall state:

17 (a) The purpose for which the district is to be formed.

18 (b) The name and boundaries of the proposed district.

19 (c) The time and place for the hearing on the petition.

20 (d) That all interested persons may appear and be heard.

21 (7) If the petition is signed by all of the owners of all of the lands that are included within the
 22 proposed district and that will be subject to the charges and assessments of the proposed district,
 23 publication of the notice of the hearing on the petition is not required. A petition signed by all of
 24 the owners of all of the lands that are included within the proposed district and that will be subject
 25 to the charges and assessments of the proposed district may also contain the names of persons de-
 26 sired as the members of the first board of directors of the proposed district, the initial term of office
 27 of each director and a written statement from each of those persons in which the person agrees to
 28 serve as a director of the proposed district.

29 (8) If an elector is not a resident of the district or this state, a legal representative of the owner
 30 of land, including an individual acting pursuant to a power of attorney, may sign a formation peti-
 31 tion for and on behalf of the owner.

32 **SECTION 14. The amendments to ORS 198.430, 198.750, 221.031, 248.008, 249.061, 249.740,**
 33 **249.865, 250.045, 250.165, 250.265, 255.135, 261.115 and 545.025 by sections 1 to 13 of this 2013**
 34 **Act apply to signatures obtained on or after January 1, 2014.**

35 **SECTION 15. This 2013 Act being necessary for the immediate preservation of the public**
 36 **peace, health and safety, an emergency is declared to exist, and this 2013 Act takes effect**
 37 **on its passage.**

38 _____