

**PROPOSED AMENDMENTS TO
HOUSE BILL 2176**

1 On page 1 of the printed bill, line 2, after “ORS” delete the rest of the
2 line.

3 Delete lines 3 through 6 and insert “204.020, 221.031, 246.021, 247.420,
4 248.006, 248.007, 249.005, 249.008, 249.031, 249.037, 249.064, 249.078, 249.170,
5 249.180, 249.735, 249.740, 249.830, 250.045, 250.052, 250.065, 250.067, 250.075,
6 250.141, 250.175, 250.185, 250.275, 250.285, 251.065, 251.085, 251.115, 251.255,
7 254.115, 254.135, 254.515, 254.565, 255.085, 255.145, 255.295, 260.037, 260.043,
8 260.054, 260.055, 260.057, 260.078, 260.232 and 260.241; repealing ORS 247.435;
9 and declaring an emergency.”.

10 On page 4, delete lines 34 through 36 and insert:

11 “(4) A nominating petition or declaration of candidacy must be filed using
12 the electronic filing system adopted by the Secretary of State under ORS
13 251.014 if the petition or declaration is filed:

14 “(a) For a primary election; and

15 “(b) For an office for which the Secretary of State is designated as the
16 filing officer under ORS 249.035.”.

17 On page 7, line 3, after “petition” insert “or prospective petition”.

18 On page 9, line 5, after “petition” insert “or prospective petition”.

19 In line 7, after “petition” insert “or prospective petition”.

20 On page 17, delete lines 26 through 45.

21 On page 18, delete lines 1 through 11 and insert:

22 “**SECTION 30.** ORS 255.085 is amended to read:

1 “255.085. (1) Not later than the 61st day before a district election on a
2 measure, the district elections authority shall deliver to the elections officer
3 a notice stating the date of the election and a ballot title. The district
4 elections authority shall prepare the ballot title for a measure referred by
5 the authority with the assistance of the district attorney for the county of
6 the elections officer or an attorney employed by the district elections au-
7 thority. **The district elections authority shall include the ballot title for**
8 **the measure at the time the measure is submitted to the elections of-**
9 **ficer.**

10 “(2) If a district submits a measure to the electors of the district at an
11 election held on the first Tuesday after the first Monday in November and
12 the district submitted a measure on the election date in ORS 255.345 (1) im-
13 mediately preceding the date of an election held on the first Tuesday after
14 the first Monday in November, the district elections authority shall file the
15 measure for the election held on the first Tuesday after the first Monday in
16 November with the elections officer not later than the 47th day before an
17 election held on the first Tuesday after the first Monday in November.

18 “(3) A notice of election called to approve the issuance of bonds shall
19 include:

20 “(a) The purpose for which the bonds are to be used;

21 “(b) The amount and the term of the bonds;

22 “(c) The kind of bonds proposed to be issued; and

23 “(d) If the bond election is authorized by ORS 450.900, the additional no-
24 tice requirements in ORS 450.905.

25 “(4)(a) In the case of a measure submitted by initiative or referendum
26 petition, the elections officer shall publish the notice in the next available
27 edition of a newspaper of general circulation in the district after the dead-
28 line for filing the notice.

29 “(b) In the case of a measure referred by the district elections authority,
30 the elections officer shall publish the notice of election in the next available

1 edition of a newspaper of general circulation in the district after the notice
2 of election is filed. The notice shall also state that an elector may file a
3 petition for review of the ballot title not later than the date referred to in
4 ORS 255.155. If the circuit court certifies a different ballot title, the elections
5 officer shall publish an amended notice of election in the next available
6 edition of the newspaper referred to in this subsection after the new title is
7 certified to the elections officer.

8 “(c) In addition to publishing the notice as described in paragraphs (a)
9 and (b) of this subsection, the elections officer may publish the notice on the
10 county’s website for a minimum of seven days.”.

11 On page 22, delete lines 26 through 45.

12 On page 23, delete lines 1 through 29 and insert:

13 **“SECTION 39.** ORS 260.232 is amended to read:

14 “260.232. (1) The Secretary of State may impose a civil penalty as provided
15 in this section, in addition to any other penalty that may be imposed, for:

16 “(a) Failure to file a statement or certificate required to be filed under
17 ORS 260.044, 260.057, 260.076, 260.078, 260.083, 260.112 or 260.118.

18 “(b) Failure to include in a statement filed under ORS 260.044, 260.057,
19 260.076, 260.078, 260.083, 260.112 or 260.118 the information required under
20 ORS 260.044, 260.057, 260.076, 260.083 or 260.118.

21 “(2)(a) If a person required to file has not filed a statement or certificate
22 complying with applicable provisions of ORS 260.044, 260.057, 260.076, 260.078,
23 260.083, 260.085, 260.112 or 260.118 within the time specified in ORS 260.044,
24 260.057, 260.076, 260.078 or 260.118, the Secretary of State by first class mail
25 **or electronically** shall notify the person that a penalty may be imposed and
26 that the person has 20 days from the service date on the notice to request
27 a hearing before the Secretary of State.

28 “(b) If the person required to file is a candidate or the principal campaign
29 committee of a candidate, the Secretary of State shall send the notice de-
30 scribed in paragraph (a) of this subsection by first class mail **or electron-**

1 **ically** to the candidate. The notice shall be used for purposes of determining
2 the deadline for requesting a hearing under subsection (3) of this section.

3 “(3) A hearing on whether to impose a civil penalty and to consider cir-
4 cumstances in mitigation shall be held by the Secretary of State:

5 “(a) Upon request of the person against whom the penalty may be as-
6 sessed, if the request is made not later than the 20th day [*after the person*
7 *received*] **from the service date on** the notice sent under subsection (2) of
8 this section;

9 “(b) Upon request of the filing officer with whom a statement or certifi-
10 cate was required to be filed but was not filed; or

11 “(c) Upon the Secretary of State’s own motion.

12 “(4) A hearing under subsection (3) of this section shall be held not later
13 than 45 days after the deadline for the person against whom the penalty may
14 be assessed to request a hearing. However, if requested by the person
15 against whom the penalty may be assessed, a hearing under subsection (3)
16 of this section shall be held not later than 60 days after the deadline for the
17 person against whom the penalty may be assessed to request a hearing.

18 “(5) The Secretary of State shall issue an order not later than 90 days
19 after a hearing or after the deadline for requesting a hearing if no hearing
20 is held.

21 “(6) The person against whom a penalty may be assessed need not appear
22 in person at a hearing held under this section, but instead may submit
23 written testimony and other evidence, subject to the penalty for false
24 swearing, to the Secretary of State for entry in the hearing record. The tes-
25 timony and other evidence must be received by the secretary not later than
26 three business days before the day of the hearing and may be submitted
27 electronically.

28 “(7) A civil penalty imposed under this section may not be more than the
29 following:

30 “(a) For failure to file a statement or certificate required to be filed under

1 ORS 260.044, 260.057, 260.076, 260.078, 260.083, 260.112 or 260.118, 10 percent
2 of the total amount of the contribution or expenditure required to be in-
3 cluded in the statement or certificate; or

4 “(b) For each failure to include in a statement filed under ORS 260.044,
5 260.057, 260.076, 260.078, 260.083, 260.112 or 260.118 the information required
6 under ORS 260.044, 260.057, 260.076, 260.083 or 260.118, 10 percent of the total
7 amount of the contribution or expenditure required to be included in the
8 statement.

9 “(8) The Secretary of State, upon a showing of mitigating circumstances,
10 may reduce the amount of the penalty described in subsection (7) of this
11 section.

12 “(9) Except as otherwise provided by this section, civil penalties under
13 this section shall be imposed as provided in ORS 183.745.”.

14 After line 45, insert:

15 **“SECTION 41.** ORS 249.005 is amended to read:

16 “249.005. (1) Notwithstanding ORS 249.008 and 249.875, a petition or min-
17 utes for which original signatures are otherwise required may be accepted
18 by the county clerk **or Secretary of State** for signature verification, or by
19 another filing officer in the case of a recall petition, with photographic
20 copies of one or more signature sheets if:

21 “(a) The signature sheets containing the original signatures were stolen
22 or destroyed by fire, a natural disaster or other act of God; and

23 “(b) The photographic copy of each original signature sheet contains the
24 number of the original signature sheet prescribed by the Secretary of State
25 under ORS 249.009.

26 “(2) As used in this section, ‘act of God’ means an unanticipated grave
27 natural disaster or other natural phenomenon of an exceptional, inevitable
28 and irresistible character, the effects of which could not have been prevented
29 or avoided by the exercise of due care or foresight.

30 **“SECTION 42.** ORS 249.008 is amended to read:

1 “249.008. (1) Except as provided in subsection (2) of this section, before a
2 nominating petition, minutes of an assembly of electors[,] or petition by in-
3 dividual electors is offered for filing, the county clerk of each county in
4 which the signatures were secured **or the Secretary of State** shall compare
5 the signatures of electors on the petition or minutes with the signatures of
6 the electors on the elector registration cards. Any petition or minutes sub-
7 mitted for verification under this section shall contain only original signa-
8 tures. The county clerk **or the secretary** shall attach to the petition or
9 minutes a certificate stating the number of signatures believed to be genuine.
10 The certificate is prima facie evidence of the facts stated in it. A signature
11 not included in the number certified to be genuine shall not be counted by
12 the officer with whom the petition is filed. No signature in violation of the
13 provisions of this chapter shall be counted.

14 “(2) If the total number of signatures presented to a county clerk **or the**
15 **Secretary of State** for verification is 15,000 or more, the county clerk **or**
16 **secretary** may use a statistical sampling technique authorized by the secre-
17 tary [*of State*] to verify the signatures. The sample shall be drawn from at
18 least 100 percent of the number of signatures required for nomination.

19 “(3) After signatures of electors on a nominating petition, minutes of an
20 assembly of electors or petition by individual electors are submitted for
21 verification, no elector who signed the petition or minutes may remove the
22 signature of the elector from the petition or minutes.

23 “(4) **The Secretary of State by rule shall establish procedures for**
24 **verifying whether a petition submitted under this section contains the**
25 **required number of signatures of active electors.**

26 “**SECTION 43.** ORS 249.064 is amended to read:

27 “249.064. (1) A nominating petition of a candidate seeking the nomination
28 of a major political party shall contain a statement that each elector whose
29 signature appears on the petition is a member of the same major political
30 party as is the candidate.

1 “(2) A nominating petition of any candidate shall contain the number of
2 signatures of electors required by ORS 249.068 or 249.072 and the residence
3 or mailing address and name or number of the precinct, if known, of each
4 elector whose signature appears.

5 “(3) Pursuant to ORS 249.008, the county clerks **or the Secretary of**
6 **State** shall certify the signatures contained in the nominating petition for
7 genuineness.

8 “**SECTION 44.** ORS 249.078 is amended to read:

9 “249.078. (1) The name of a candidate for a major political party nomi-
10 nation for President of the United States shall be printed on the ballot only:

11 “(a) By direction of the Secretary of State who in the secretary’s sole
12 discretion has determined that the candidate’s candidacy is generally advo-
13 cated or is recognized in national news media; or

14 “(b) By nominating petition described in this section and filed with the
15 Secretary of State.

16 “(2) A petition nominating a candidate under this section shall contain
17 from each congressional district the signatures of at least 1,000 electors who
18 are registered in the district and who are members of the major political
19 party of the candidate. The electors in each congressional district shall in-
20 clude electors registered in at least five percent of the precincts in each of
21 at least one-fourth of the counties in the congressional district. The petition
22 shall contain the printed name, residence or mailing address and name or
23 number of the precinct, if known, of each elector whose signature appears
24 on the petition. The signatures shall be certified for genuineness by the
25 county clerks **or the Secretary of State** under ORS 249.008.

26 “(3) Before circulating the nominating petition, the chief sponsor shall
27 file with the Secretary of State a signed copy of the prospective petition. The
28 chief sponsor shall include with the prospective petition a statement declar-
29 ing whether one or more persons will be paid money or other valuable con-
30 sideration for obtaining signatures of electors on the petition. After the

1 prospective petition is filed, the chief sponsor shall notify the Secretary of
2 State not later than the 10th day after the chief sponsor first has knowledge
3 or should have had knowledge that:

4 “(a) Any person is being paid for obtaining signatures, when the state-
5 ment included with the prospective petition declared that no such person
6 would be paid.

7 “(b) No person is being paid for obtaining signatures, when the statement
8 included with the prospective petition declared that one or more such per-
9 sons would be paid.

10 **“SECTION 45.** ORS 249.735 is amended to read:

11 “249.735. (1) An assembly of electors is an organized body:

12 “(a) Of not fewer than 1,000 electors of the state for a statewide nomi-
13 nation.

14 “(b) Of not fewer than 500 electors of the congressional district for which
15 the nomination for Representative in Congress is made.

16 “(c) Of not fewer than 250 electors of the county or any other district for
17 which the nomination is made.

18 “(2) An assembly of electors may nominate candidates at a nominating
19 convention. The convention shall be held in one day and last not longer than
20 12 hours. The signature, printed name and residence or mailing address of
21 each member of the assembly shall be recorded at the convention and entered
22 of record in the minutes by the secretary of the assembly. Not less than the
23 minimum number of electors required to constitute an assembly of electors
24 must have recorded their signatures in the minutes of the assembly and must
25 be present when the assembly nominates a candidate. The candidate receiv-
26 ing the highest number of votes of the assembly for the office shall be the
27 nominee of the assembly.

28 “(3) Not later than the 10th day before the meeting of an assembly of
29 electors, notice shall be published at least once in not less than three
30 newspapers of general circulation within the electoral district for which the

1 nomination will be made. The notice shall contain the time and place the
2 assembly will meet, the office or offices for which nominations will be made,
3 and the names and addresses of not fewer than 25 electors qualified to vote
4 in the assembly who desire that it be held.

5 “(4) Proof of publication of notice in subsection (3) of this section shall
6 be made by affidavit of the owner, editor, publisher, manager, advertising
7 manager, principal clerk of any of them, or the printer or printer’s foreman
8 of the newspaper in which the notice is published. The affidavit shall show
9 publication and shall be filed with the filing officer with the certificate of
10 nomination.

11 “(5) Not later than the 10th day before the meeting of an assembly of
12 electors, a copy of the notice under subsection (3) of this section shall be
13 delivered to the filing officer who will supervise the conduct of the nomi-
14 nating convention.

15 “(6) The presiding officer of an assembly of electors shall deliver the
16 signatures of assembly members entered in the minutes to the appropriate
17 county clerks of the counties in which the assembly members live **or to the**
18 **Secretary of State if the secretary is the designated filing officer under**
19 **ORS 249.035**. The signatures shall be certified by the appropriate county
20 clerk **or by the Secretary of State** under ORS 249.008. A copy of the min-
21 utes, certified by the secretary of the assembly, and the certificate of the
22 county clerk **or the Secretary of State** shall be filed [*with the filing*
23 *officer*] with the certificate of nomination.

24 “(7) If the assembly of electors designates a committee to whom the as-
25 sembly delegated the authority to fill vacancies as provided in ORS 249.842,
26 a notice containing the names of the members of the committee shall be de-
27 livered to the filing officer with the certificate of nomination.

28 “**SECTION 46.** ORS 249.740 is amended to read:

29 “249.740. (1) A certificate of nomination made by individual electors shall
30 contain a number of signatures of electors in the electoral district equal to

1 not less than one percent of the total votes cast in the electoral district for
2 which the nomination is intended to be made, for all candidates for presi-
3 dential electors at the last general election.

4 “(2) Each elector signing a certificate of nomination made by individual
5 electors shall include the residence or mailing address of the elector. Except
6 for a certificate of nomination of candidates for electors of President and
7 Vice President of the United States, a certificate of nomination made by in-
8 dividual electors shall contain the name of only one candidate.

9 “(3) Before beginning to circulate the certificate of nomination, the chief
10 sponsor of the certificate shall file a signed copy of the prospective certifi-
11 cate with the filing officer referred to in ORS 249.722. The chief sponsor of
12 the certificate shall include with the prospective certificate a statement de-
13 claring whether one or more persons will be paid money or other valuable
14 consideration for obtaining signatures of electors on the certificate. After the
15 prospective certificate is filed, the chief sponsor shall notify the filing officer
16 not later than the 10th day after the chief sponsor first has knowledge or
17 should have had knowledge that:

18 “(a) Any person is being paid for obtaining signatures, when the state-
19 ment included with the prospective certificate declared that no such person
20 would be paid.

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

24 “(4) The circulator shall certify on each signature sheet that the
25 circulator:

26 “(a) Witnessed the signing of the signature sheet by each individual
27 whose signature appears on the signature sheet; and

28 “(b) Believes each individual is an elector registered in the electoral dis-
29 trict.

30 “(5) The signatures contained in each certificate of nomination made by

1 individual electors shall be certified for genuineness by the county clerk **or**
2 **the Secretary of State** under ORS 249.008.

3 “(6) As used in this section, ‘prospective certificate’ means the informa-
4 tion, except signatures and other identification of certificate signers, re-
5 quired to be contained in a completed certificate of nomination.”.

6 On page 24, line 1, delete “41” and insert “47”.

7 In line 2, delete “42” and insert “48” and delete “40” and insert “46”.

8 In line 3, delete “41” and insert “47”.

9 In line 4, delete “43” and insert “49”.

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