

Senate Bill 195

Printed pursuant to Senate Interim Rule 213.28 by order of the President of the Senate in conformance with pre-session filing rules, indicating neither advocacy nor opposition on the part of the President (at the request of Senate Interim Committee on General Government and Accountability)

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 Secretary of State to establish process during signature verification of state, county and city ballot measures to ensure that each elector whose signature is rejected is notified and receives opportunity to demonstrate that elector's signature should be counted.

A BILL FOR AN ACT

1
2 Relating to signature verification for ballot measures; creating new provisions; and amending ORS
3 250.105, 250.215 and 250.315.

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

5 **SECTION 1.** ORS 250.105 is amended to read:

6 250.105. (1)(a) An initiative or referendum petition relating to a state measure must be filed with
7 the Secretary of State for the purpose of verifying whether the petition contains the required num-
8 ber of signatures of electors.

9 (b) Signatures previously verified on a prospective petition for a state measure to be initiated
10 shall be included in the calculation under this section for the purpose of verifying whether the ini-
11 tiative petition contains the required number of signatures of electors.

12 (c) When filing an initiative or referendum petition, the signature sheets must be sorted on the
13 basis of the name of the person who obtained the signatures on the sheet.

14 (d) The secretary shall adopt rules establishing procedures for verifying signatures on an initi-
15 ative or referendum petition.

16 (e) A filed initiative or referendum petition must contain only original signatures. The secretary
17 or county clerk shall verify each petition in the order in which the petitions are filed with the
18 secretary.

19 (2)(a) Once every month, the chief petitioner, or agent on behalf of the chief petitioner, of an
20 initiative petition relating to a state measure shall file with the secretary all signature sheets con-
21 taining signatures of electors obtained by a person being paid to obtain signatures on the petition
22 since the previous monthly filing. The secretary shall hold all signature sheets filed under this sub-
23 section unless the chief petitioner withdraws the petition.

24 (b) The secretary shall adopt rules prescribing the dates by which signature sheets must be filed
25 each month. The secretary may not accept signature sheets containing signatures of electors ob-
26 tained by a person being paid to obtain signatures on the petition before the previous monthly filing
27 deadline prescribed under this paragraph for purposes of determining whether an initiative petition
28 relating to a state measure contains the required number of signatures of electors under this sec-
29 tion.

30 (3) The secretary may not accept a referendum petition relating to a state measure for filing if

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 the petition contains less than 100 percent of the required number of signatures. The secretary may
 2 not determine whether an initiative petition contains the required number of signatures of electors
 3 unless at least 100 percent of the required number of signatures have been filed with the secretary.

4 (4) If the total number of signatures required on an initiative petition or referendum petition is
 5 submitted not less than 165 days before the election at which the proposed measure is to be voted
 6 upon and if the secretary determines that insufficient signatures have been submitted but the dead-
 7 line for filing signatures on the petition has not passed, the petitioners may submit additional sig-
 8 natures.

9 (5) The secretary by rule shall designate a statistical sampling technique to verify whether a
 10 petition contains the required number of signatures of electors. A petition may not be rejected for
 11 the reason that it contains less than the required number of signatures unless two separate sampling
 12 processes both establish that the petition lacks the required number of signatures. The second
 13 sampling must contain a larger number of signatures than the first sampling. If two samplings are
 14 required under this subsection, the total number of signatures verified on the petition shall be not
 15 less than five percent of the total number of signatures on the petition.

16 (6) For purposes of estimating the number of duplicate signatures contained in a petition, the
 17 secretary shall apply at least an eight percent duplication rate in the first sampling of signatures
 18 on all petitions. If a second sampling of signatures is required under subsection (5) of this section,
 19 the secretary shall calculate an estimated signature duplication rate for each petition for which a
 20 second sampling is required. The calculation shall be based on the number of electors the secretary
 21 determines have signed a specific petition more than once.

22 (7) When verifying signatures for a state initiative or referendum petition, the secretary or
 23 county clerk shall identify on an elector's voter registration record or other database that the
 24 elector signed the specific initiative or referendum petition.

25 (8) The Secretary of State may employ professional assistance to determine the sampling tech-
 26 nique to be designated under subsection (5) of this section.

27 **(9) The Secretary of State by rule shall develop a process to:**

28 **(a) Notify, to the extent practicable, each elector whose signature on an initiative or**
 29 **referendum petition is rejected by the secretary under this section; and**

30 **(b) Provide each elector identified under paragraph (a) of this subsection with a reason-**
 31 **able opportunity to demonstrate that the elector's signature should be counted.**

32 [(9)] (10) The Secretary of State and the county clerk, if requested, shall permit authorized
 33 persons to be at the office of the secretary or county clerk to watch the verification of signatures
 34 on a state initiative petition or prospective petition for a state measure to be initiated under this
 35 section. The authorization shall be in writing and shall be filed with the secretary or county clerk.
 36 The secretary or county clerk shall permit only as many persons as watchers under this subsection
 37 as will not interfere with an orderly procedure at the office of the secretary or county clerk.

38 **SECTION 2.** ORS 250.215 is amended to read:

39 250.215. (1) An initiative or referendum petition relating to a county measure shall be filed with
 40 the county clerk for signature verification. The filed petition shall contain only original signatures.

41 (2) An initiative or referendum petition relating to a county measure shall not be accepted for
 42 filing if it contains less than 100 percent of the required number of signatures.

43 (3) For any petition requiring a number of signatures exceeding 4,500, the Secretary of State by
 44 rule shall designate a statistical sampling technique to verify whether a petition contains the re-
 45 quired number of signatures of electors. A petition may not be rejected for the reason that it con-

1 tains less than the required number of signatures unless two separate sampling processes both
 2 establish that the petition lacks the required number of signatures. The second sampling must con-
 3 tain a larger number of signatures than the first sampling.

4 (4) The Secretary of State may employ professional assistance to determine the sampling tech-
 5 nique referred to in subsection (3) of this section.

6 **(5) The Secretary of State by rule shall develop a process to:**

7 **(a) Notify, to the extent practicable, each elector whose signature on an initiative or**
 8 **referendum petition is rejected by the Secretary of State under this section; and**

9 **(b) Provide each elector identified under paragraph (a) of this subsection with a reason-**
 10 **able opportunity to demonstrate that the elector’s signature should be counted.**

11 **SECTION 3.** ORS 250.315 is amended to read:

12 250.315. (1) An initiative or referendum petition relating to a city measure shall be filed with
 13 the city elections officer for signature verification. The filed petition shall contain only original
 14 signatures.

15 (2) An initiative or referendum petition relating to a city measure shall not be accepted for filing
 16 if it contains less than 100 percent of the required number of signatures.

17 (3) For any petition requiring a number of signatures exceeding 4,500, the Secretary of State by
 18 rule shall designate a statistical sampling technique to verify whether a petition contains the re-
 19 quired number of signatures of electors. A petition may not be rejected for the reason that it con-
 20 tains less than the required number of signatures unless two separate sampling processes both
 21 establish that the petition lacks the required number of signatures. The second sampling must con-
 22 tain a larger number of signatures than the first sampling.

23 (4) The Secretary of State may employ professional assistance to determine the sampling tech-
 24 nique referred to in subsection (3) of this section.

25 **(5) The Secretary of State by rule shall develop a process to:**

26 **(a) Notify, to the extent practicable, each elector whose signature on an initiative or**
 27 **referendum petition is rejected by the Secretary of State under this section; and**

28 **(b) Provide each elector identified under paragraph (a) of this subsection with a reason-**
 29 **able opportunity to demonstrate that the elector’s signature should be counted.**

30 **SECTION 4.** The amendments to ORS 250.105, 250.215 and 250.315 by sections 1 to 3 of this
 31 **2017 Act apply to the verification of signatures on petitions submitted on or after the effec-**
 32 **tive date of this 2017 Act.**

33 _____