

Requested by Senator BURDICK

**PROPOSED AMENDMENTS TO
SENATE BILL 1510**

1 On page 1 of the printed bill, line 2, after “elections;” delete the rest of
2 the line and line 3 and insert “creating new provisions; amending ORS
3 249.037, 249.068, 249.072, 249.200, 250.045, 250.052, 254.155, 254.165, 254.470,
4 254.548, 255.295, 260.005, 260.039, 260.042, 260.044, 260.057, 260.118 and 260.215;
5 and declaring an emergency.”.

6 On page 3, delete lines 41 through 45 and delete page 4.

7 On page 5, delete lines 1 through 17 and insert:

8 **“SECTION 3.** ORS 260.118 is amended to read:

9 “260.118. (1) The chief petitioners of an initiative, referendum or recall
10 petition shall appoint a treasurer. The treasurer shall be an elector of this
11 state. Contributions [*shall*] **must** be received and expenditures made by or
12 through the treasurer.

13 “(2) The treasurer shall file a statement of organization of a petition
14 committee with the appropriate filing officer. The treasurer shall file the
15 statement not later than the third business day after a chief petitioner or the
16 treasurer receives a contribution or makes an expenditure relating to the
17 initiative, referendum or recall petition. The statement [*shall*] **must** include:

18 “(a) The name and address of the chief petitioners.

19 “(b) The name and address of the treasurer appointed under subsection (1)
20 of this section.

21 “(c) A designation of the initiative, referendum or recall petition. The

1 designation of the recall petition [*shall*] **must** include the name of the officer
2 whose recall is demanded.

3 “[*d*] **(3) In addition to the information listed in subsection (2) of**
4 **this section, the statement of organization must include, or be**
5 **amended within one business day to include,** the name of the financial
6 institution in which the petition account required under ORS 260.054 is es-
7 tablished, the name of the account, the name of the account holder and the
8 names of all individuals who have signature authority for the account. The
9 Secretary of State may not disclose information received by the secretary
10 under this [*paragraph*] **subsection** except as necessary for purposes of en-
11 forcing the provisions of ORS chapters 246 to 260.

12 “[*3*] **(4) A treasurer may designate an elector of this state to be liable**
13 **for any civil penalty imposed under ORS 260.232. The treasurer shall include**
14 **the name and address of any elector designated under this subsection in a**
15 **statement of organization filed under this section.**

16 “[*4*] **(5) Except as provided in subsection (3) of this section,** if there
17 is a change in the information submitted in a statement of organization un-
18 der [*subsection (2)*] **subsections (2) and (3)** of this section, the treasurer
19 shall file an amended statement of organization not later than the 10th day
20 after the change in information.

21 “[*5*] **(6) The treasurer of an initiative, referendum or recall petition**
22 **committee shall use the electronic filing system adopted under ORS 260.057**
23 **to file with the Secretary of State statements of contributions received and**
24 **expenditures made by the petition committee, as described in ORS 260.083.**

25 “[*6*] **(7) The treasurer of an initiative petition committee shall file a**
26 **statement described in subsection [*5*] (6) of this section not later than seven**
27 **calendar days after a contribution is received or an expenditure is made.**
28 **This subsection applies to contributions received and expenditures made:**

29 “(a) During the period beginning on the 42nd calendar day before the date
30 that is four months before a general election and ending on the date that is

1 four months before a general election; and

2 “(b) During the period beginning on the 42nd calendar day before the date
3 of any primary election and ending on the date of the primary election and
4 the period beginning on the 42nd calendar day before the date of any general
5 election and ending on the date of the general election.

6 “[~~(7)~~] **(8)** The treasurer of a referendum petition committee or a recall
7 petition committee shall file a statement described in subsection [~~(5)~~] **(6)** of
8 this section not later than seven calendar days after a contribution is re-
9 ceived or an expenditure is made. This subsection applies:

10 “(a) For a referendum petition committee, to contributions received and
11 expenditures made during the period beginning on the date the treasurer is
12 appointed under subsection (1) of this section and ending on the deadline for
13 submitting signatures for verification; and

14 “(b) For a recall petition committee, to contributions received and ex-
15 penditures made during the period beginning on the day on which the recall
16 petition is filed under ORS 249.865 and ending on the deadline for submitting
17 signatures for verification.

18 “[~~(8)~~] **(9)** Except as provided in subsection [~~(9)~~] **(10)** of this section, during
19 a period not described in subsection [~~(6) or~~] (7) **or** **(8)** of this section, a
20 treasurer of an initiative, referendum or recall petition committee shall file
21 a statement described in subsection [~~(5)~~] **(6)** of this section not later than 30
22 calendar days after a contribution is received or an expenditure is made.

23 “[~~(9)~~] **(10)** If a treasurer of an initiative petition committee receives a
24 contribution or makes an expenditure prior to the 42nd calendar day before
25 the date that is four months before a general election, or the 42nd day before
26 the date of the primary election or general election, and the treasurer has
27 not filed a statement of the contribution or expenditure under subsection
28 [~~(5)~~] **(6)** of this section by the 43rd calendar day before the date that is four
29 months before a general election, or the 43rd day before the date of the pri-
30 mary election or general election, the treasurer shall file a statement de-

1 scribed in subsection [(5)] **(6)** of this section not later than the 35th calendar
2 day before the date that is four months before a general election, or **not**
3 **later than whichever of the following dates occurs first:**

4 **“(a) The date required under subsection (9) of this section; or**

5 **“(b) The 35th day before the date of the primary election or general**
6 **election.**

7 “[~~(10)~~] **(11)** For an initiative petition committee, the accounting period for
8 the first statement filed under this section begins on the date the treasurer
9 is appointed under subsection (1) of this section.

10 “[~~(11)~~] **(12)** Each statement required under this section [*shall*] **must** be
11 signed and certified as true by the treasurer. Signatures [*shall*] **must** be
12 supplied in the manner specified by the secretary by rule.

13 “[~~(12)~~] **(13)** Subsections [~~(5) to (11)~~] **(6) to (12)** of this section do not apply
14 to petition committees that file certificates under ORS 260.112.

15 “[~~(13)~~] **(14)** As used in this section, ‘contribution’ and ‘expenditure’ in-
16 clude a contribution or expenditure to or on behalf of an initiative, referen-
17 dum or recall petition.”.

18 On page 6, line 4, after “mail” insert a comma.

19 On page 8, delete lines 15 through 23 and insert:

20 **“SECTION 6.** ORS 254.165 is amended to read:

21 “254.165. (1) If the filing officer determines that a candidate has died,
22 withdrawn or become disqualified, or that the candidate will not qualify in
23 time for the office if elected, the name of the candidate may not be printed
24 on the ballots or, if [*they*] **ballots** have already been printed, [*shall be erased*
25 *or canceled*] **the ballots must be reprinted without the name of the**
26 **candidate** before the ballots are delivered to the electors. The name of a
27 candidate nominated to fill a vacancy in nomination or office [*shall*] **must**
28 be printed on the ballots or, if [*they*] **the ballots** have already been printed,
29 the county clerk shall cause the name to appear on the ballots before the
30 ballots are delivered to the electors. A filing officer, other than the Secretary

1 of State, shall notify the Secretary of State of any action taken under this
2 section.

3 “(2) Subsection (1) of this section does not apply if the filing officer makes
4 the determination under subsection (1) of this section on or after the [47th]
5 **50th** day before the date of the election.

6 “(3) As used in this section:

7 “(a) ‘District’ means a district defined in ORS 255.012.

8 “(b) ‘Filing officer’ means the:

9 “(A) Secretary of State, regarding a candidate for a state office or an of-
10 fice to be voted on in the state at large or in a congressional district.

11 “(B) County clerk, regarding a candidate for a county office.

12 “(C) County clerk of the county in which the administrative office of the
13 district is located, regarding a candidate for a district office to be voted on
14 in a district located in more than one county.

15 “(D) County clerk, regarding a candidate for a district office to be voted
16 on in a district situated wholly within the county.

17 “(E) City clerk, auditor or recorder, regarding a candidate for a city of-
18 fice.”.

19 On page 9, delete lines 33 and 34.

20 On page 15, after line 6, insert:

21 “**SECTION 15.** ORS 260.042 is amended to read:

22 “260.042. (1) The treasurer of a political committee shall file a statement
23 of organization with the filing officer. The statement [*shall*] **must** include:

24 “(a) The name, address and nature of the committee. The address [*shall*]
25 **must** be the address of a residence, office, headquarters or similar location
26 where the political committee or a responsible officer of the political com-
27 mittee may be conveniently located.

28 “(b) The name, address and occupation of the committee director or di-
29 rectors.

30 “(c) The name and address of the committee treasurer.

1 “(d) The name and address of any other political committee of which two
2 or more committee directors are also directors of the committee filing the
3 statement.

4 “(e) The name, office sought, and party affiliation of each candidate whom
5 the committee is supporting or specifically opposing or intends to support
6 or specifically oppose, when known, or, if the committee is supporting or
7 specifically opposing all the candidates of a given party, the name of that
8 party.

9 “(f) A designation of any measure that the committee is opposing or sup-
10 porting, or intends to support or oppose.

11 “(g) **A statement of whether the committee is a controlled com-
12 mittee.**

13 “[g] **(2) In addition to the information listed in subsection (1) of
14 this section, the statement of organization must include, or be
15 amended within one business day to include,** the name of the financial
16 institution in which the campaign account required under ORS 260.054 is
17 established, the name of the account, the name of the account holder and the
18 names of all individuals who have signature authority for the account. The
19 Secretary of State may not disclose information received by the secretary
20 under this [paragraph] **subsection** except as necessary for purposes of en-
21 forcing the provisions of ORS chapters 246 to 260.

22 “[h] *A statement of whether the committee is a controlled committee.*]

23 “[2] **(3)** A treasurer may designate an individual to receive any notice
24 provided by a filing officer under ORS chapters 246 to 260. The treasurer
25 shall include the name and address of the individual in a statement of or-
26 ganization filed under this section. A filing officer who provides any notice
27 under ORS chapters 246 to 260 to the treasurer of the political committee
28 shall also provide the notice to the individual designated by the treasurer
29 under this subsection.

30 “[3] **(4)** A treasurer may designate an elector of this state to be liable

1 for any civil penalty imposed under ORS 260.232. The treasurer shall include
2 the name and address of any elector designated under this subsection in a
3 statement of organization filed under this section.

4 “[4] (5) The statement of organization [*shall*] **must** be filed not later
5 than the date specified in ORS 260.035.

6 “[5] (6) **Except as provided in subsection (2) of this section**, any
7 change in information submitted in a statement of organization under [*sub-*
8 *section (1)*] **subsections (1) and (2)** of this section [*shall*] **must** be indicated
9 in an amended statement of organization filed not later than the 10th day
10 after the change in information.

11 “[6] (7) This section does not apply to a political committee that is a
12 principal campaign committee or to a political committee exclusively sup-
13 porting or opposing one or more candidates for federal or political party of-
14 fice.

15 **“SECTION 16.** ORS 260.215 is amended to read:

16 “260.215. (1) For statements filed during each calendar year, each filing
17 officer shall examine each statement filed with the filing officer under ORS
18 260.044, 260.057, 260.083, 260.112 or 260.118 [(5)] (6) to determine whether the
19 statement is sufficient. The filing officer shall examine statements under this
20 section not later than 90 days after the end of each calendar quarter for
21 statements filed during the previous calendar quarter.

22 “(2) The filing officer may require any person to answer in writing and
23 upon oath or affirmation before a judge, justice of the peace, county clerk
24 or notary public any question within the knowledge of that person concern-
25 ing the source of any contribution. The filing officer shall advise the person
26 of the penalty for failure to answer.

27 **“SECTION 17.** ORS 250.045 is amended to read:

28 “250.045. (1)(a) Before circulating a petition to initiate or refer a state
29 measure under [*section 1,*] Article IV, **section 1, of the Oregon Constitution**,
30 the petitioner shall file with the Secretary of State a prospective petition.

1 “(b) The prospective petition for a state measure to be initiated:
2 “(A) Shall contain the signatures of at least 1,000 electors[.]; and
3 “(B) **May not contain the signatures of more than 2,000 electors.**
4 “(c) The signature sheets **for a state measure to be initiated** must be
5 attached to a full and correct copy of the measure to be initiated.
6 “(2) Before obtaining signatures on a prospective petition for a state
7 measure to be initiated, the chief petitioners shall file with the secretary a
8 statement declaring whether one or more persons will be paid money or other
9 valuable consideration for obtaining signatures of electors on the prospective
10 petition. After a statement has been filed under this subsection, the chief
11 petitioners shall notify the secretary not later than the 10th day after any
12 of the chief petitioners first has knowledge or should have had knowledge
13 that:
14 “(a) Any person is being paid for obtaining signatures, when the state-
15 ment filed under this subsection declared that no such person would be paid.
16 “(b) No person is being paid for obtaining signatures, when the statement
17 filed under this subsection declared that one or more such persons would be
18 paid.
19 “(3) The secretary by rule shall establish procedures for verifying whether
20 a prospective petition for a state measure to be initiated contains the re-
21 quired number of signatures of electors.
22 “(4) The secretary shall date and time stamp the prospective petition and
23 specify the form on which the initiative or referendum petition shall be
24 printed for circulation as provided in ORS 250.052. The secretary shall retain
25 the prospective petition.
26 “(5) The chief petitioner may amend the state measure to be initiated that
27 has been filed with the secretary without filing another prospective petition,
28 if:
29 “(a) The Attorney General certifies to the secretary that the proposed
30 amendment will not substantially change the substance of the measure; and

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

3 “(6)(a) The cover of an initiative or referendum petition shall designate
4 the name and residence address of not more than three persons as chief
5 petitioners and shall contain instructions for persons obtaining signatures
6 of electors on the petition. The instructions shall be adopted by the secretary
7 by rule.

8 “(b) The cover of a referendum petition shall contain the final measure
9 summary described in ORS 250.065 (1).

10 “(c)(A) If a petition seeking a different ballot title is not filed with the
11 Supreme Court by the deadline for filing a petition under ORS 250.085, the
12 cover of an initiative petition shall contain the latest ballot title certified
13 by the Attorney General under ORS 250.067 (2).

14 “(B) **If a petition seeking a different ballot title is filed with the**
15 **Supreme Court by the deadline for filing a petition under ORS 250.085:**

16 “(i) **The secretary may not issue an official template of the cover**
17 **and signature sheets of the initiative petition until the Supreme Court**
18 **has certified a final ballot title; and**

19 “(ii) [*However, if the Supreme Court has reviewed the ballot title,*] The
20 cover of the initiative petition shall contain the **final ballot** title certified
21 by the court.

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

29 “(a) Any person is being paid for obtaining signatures, when the state-
30 ment included with the prospective petition declared that no such person

1 would be paid.

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

5 “(8)(a) Each sheet of signatures on an initiative petition shall contain the
6 caption of the **final certified** ballot title. Each sheet of signatures on a
7 referendum petition shall contain the subject expressed in the title of the
8 Act to be referred.

9 “(b) Each sheet of signatures on an initiative or referendum petition
10 shall:

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

13 “(B) If one or more persons will be paid for obtaining signatures of elec-
14 tors on the petition, contain a notice stating: ‘Some Circulators For This
15 Petition Are Being Paid.’ The notice shall be in boldfaced type and shall be
16 prominently displayed on the sheet.

17 “(c) The secretary by rule shall adopt a method of designation to distin-
18 guish signature sheets of referendum petitions containing the same subject
19 reference and being circulated during the same period.

20 “(9) The reverse side of the cover of an initiative or referendum petition
21 shall be used for obtaining signatures on the initiative or referendum peti-
22 tion.

23 “(10) Not more than 20 signatures on the signature sheet of the initiative
24 or referendum petition may be counted. The circulator shall certify on each
25 signature sheet of the initiative or referendum petition that the 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.

29 “(11) The person obtaining signatures on the petition shall carry at least
30 one full and correct copy of the measure to be initiated or referred and shall

1 allow any person to review a copy upon request of the person.

2 **“SECTION 18.** ORS 250.052 is amended to read:

3 “250.052. (1)(a) For each state initiative, referendum or recall petition, the
4 Secretary of State shall prepare official templates of the cover and signature
5 sheets for the petition. Except as provided in this section, templates of cover
6 and signature sheets for state initiative and referendum petitions are subject
7 to the requirements of ORS 250.045. The templates of signature sheets to be
8 used by persons who are being paid to obtain signatures on the petition shall
9 be a different color from the sheets to be used by persons who are not being
10 paid to obtain signatures on the petition.

11 “(b) For each prospective petition for a state measure to be initiated the
12 secretary shall prepare official templates of the cover and signature sheets.
13 The templates of signature sheets to be used by persons who are being paid
14 to obtain signatures on the prospective petition shall be a different color
15 from the sheets to be used by persons who are not being paid to obtain sig-
16 natures on the prospective petition. Each signature sheet for the prospective
17 petition shall:

18 “(A) Contain a notice describing the meaning of the color of the signature
19 sheet; and

20 “(B) If one or more persons will be paid for obtaining signatures of elec-
21 tors on the prospective petition, contain a notice stating: ‘Some Circulators
22 For This Prospective Petition Are Being Paid.’ The notice shall be in bold-
23 faced type and shall be prominently displayed on the sheet.

24 “(2) A person obtaining signatures on a state initiative, referendum or
25 recall petition or a prospective petition for a state measure to be initiated
26 may use only the cover and signature sheets contained in the official tem-
27 plates prepared for the petition or prospective petition. A person who is be-
28 ing paid to obtain signatures on the petition or prospective petition shall
29 use the signature sheet template designated for use by persons being paid to
30 obtain signatures. A person who is not being paid to obtain signatures on

1 the petition or prospective petition shall use the signature sheet template
2 designated for use by persons who are not being paid to obtain signatures.

3 “(3)(a) The secretary shall issue templates for a petition or prospective
4 petition only to a chief petitioner of the petition or prospective petition or
5 to an agent designated by a chief petitioner.

6 “(b) **If the ballot title for a state initiative petition has been chal-**
7 **lenged under ORS 250.085, the secretary may not issue an official**
8 **template for the initiative petition until the Supreme Court has certi-**
9 **fied a final ballot title.**

10 “(4) The secretary shall issue official templates to a chief petitioner or
11 designated agent not later than:

12 “(a) Three business days after the deadline for filing a petition under ORS
13 250.085 relating to a ballot title certified by the Attorney General for the
14 state initiative petition or, if a petition is filed with the Supreme Court un-
15 der ORS 250.085, three business days after the Supreme Court certifies to the
16 secretary a **final** ballot title for the state initiative petition;

17 “(b) Three business days after a prospective petition is filed under ORS
18 249.865 or 250.045 for a state recall petition or state referendum petition; or

19 “(c) Three business days after the chief petitioner files a statement with
20 the secretary under ORS 250.045 (2) for a prospective petition for a state
21 measure to be initiated.

22 “(5) The secretary by rule shall establish a process by which a chief
23 petitioner of a state initiative, referendum or recall petition or a prospective
24 petition for a state measure to be initiated may request a modification of the
25 templates issued under subsection (4) of this section.

26 “(6)(a) In addition to the templates prepared under subsections (1) to (5)
27 of this section, for each state initiative, referendum or recall petition or
28 prospective petition, the secretary shall prepare an official electronic tem-
29 plate of a signature sheet for the petition or prospective petition.

30 “(b) A template prepared under this subsection shall allow space for the

1 signature of one elector.

2 “(c)(A) An elector may print a copy of the electronic signature sheet for
3 a petition or prospective petition, sign the sheet and deliver the signed sheet
4 to a chief petitioner or an agent designated by a chief petitioner.

5 “(B) **Only an elector who has personally printed a copy of the elec-**
6 **tronic signature sheet for a petition or prospective petition may sign**
7 **the sheet. A copy of an electronic signature sheet may not be printed**
8 **by one elector and provided to a different elector.**

9 “(d) Electronic templates described in this subsection are subject to the
10 requirements of ORS 250.045, other than ORS 250.045 (6), (9) and (10).

11 “(7) The secretary shall adopt rules prescribing the contents and method
12 of production of official templates required under this section.

13 “**SECTION 19. The amendments to ORS 250.045 and 250.052 by**
14 **sections 17 and 18 of this 2018 Act apply to initiative, referendum or**
15 **recall petitions or prospective petitions that are filed with the Secre-**
16 **tary of State on or after the effective date of this 2018 Act.**

17 “**SECTION 20. Section 21 of this 2018 Act is added to and made a**
18 **part of ORS chapter 247.**

19 “**SECTION 21. (1)(a) Except as set forth in ORS 247.965 or 247.967,**
20 **or as otherwise prohibited by law, the following information about an**
21 **elector contained within an elector’s registration file is subject to in-**
22 **spection as a public record under ORS 192.311 to 192.478:**

23 “(A) **The major political party or minor political party, if any, with**
24 **which an elector is affiliated;**

25 “(B) **The residence address of an elector;**

26 “(C) **The address where an elector receives a ballot;**

27 “(D) **The year in which an elector was born;**

28 “(E) **The name or number of the precinct in which the elector re-**
29 **sides;**

30 “(F) **The precinct split of an elector;**

1 **“(G) The administrative number for an elector that is used by the**
2 **Secretary of State to determine which elections an elector may vote**
3 **in;**

4 **“(H) The telephone number of an elector;**

5 **“(I) Whether or not an elector voted in previous elections; and**

6 **“(J) During an election period, the ballot status of an elector. In**
7 **order to comply with this subparagraph, during the election period,**
8 **the secretary shall maintain a list of the ballot status of electors. The**
9 **secretary shall update the list, and make available an updated version**
10 **of the list, on each business day of the election period.**

11 **“(b) As used in this subsection:**

12 **“(A) ‘Ballot status’ means whether or not an elector has cast a**
13 **ballot in the election;**

14 **“(B) ‘Election period’ means the period of time beginning on the**
15 **date that ballots for an election are first mailed to electors and ending**
16 **on the date of the election; and**

17 **“(C) ‘Precinct split’ means the enhanced precinct name or number**
18 **used to determine the specific ballot configuration that will be re-**
19 **ceived by an elector who resides in a precinct that:**

20 **“(i) Has more than one election district subdivision; and**

21 **“(ii) Requires more than one ballot configuration for electors in the**
22 **precinct.**

23 **“(2) Nothing in this section is intended to limit or restrict the dis-**
24 **closure of information that is otherwise subject to inspection as a**
25 **public record under ORS 192.311 to 192.478.”.**

26 In line 7, delete “15” and insert “22”.

27