

Requested by SENATE COMMITTEE ON RULES

**PROPOSED AMENDMENTS TO
SENATE BILL 27**

1 On page 1 of the printed bill, line 2, after “249.740,” delete the rest of the
2 line and delete line 3 and insert “249.865, 250.045, 250.165, 250.265, 253.065,
3 254.408, 254.470, 254.478, 255.012, 255.075, 255.085, 255.135, 260.232, 260.285 and
4 260.995.”.

5 On page 9, after line 6, insert:

6 **“SECTION 9.** ORS 260.232 is amended to read:

7 “260.232. (1) The Secretary of State may impose a civil penalty as provided
8 in this section, in addition to any other penalty that may be imposed, for:

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

11 “(b) Failure to include in a statement filed under ORS 260.044, 260.057,
12 260.076, 260.078, 260.083, 260.112 or 260.118 the information required under
13 ORS 260.044, 260.057, 260.076, 260.083 or 260.118.

14 “(2)(a) If a person required to file has not filed a statement or certificate
15 complying with applicable provisions of ORS 260.044, 260.057, 260.076, 260.078,
16 260.083, 260.085, 260.112 or 260.118 within the time specified in ORS 260.044,
17 260.057, 260.076, 260.078 or 260.118, the Secretary of State by first class mail
18 or electronically shall notify the person or elector designated under ORS
19 260.042 or 260.118 that a penalty may be imposed and that the person has 20
20 days from the service date on the notice to request a hearing before the
21 Secretary of State.

1 “(b) If the person required to file is a candidate or the principal campaign
2 committee of a candidate, the Secretary of State shall send the notice de-
3 scribed in paragraph (a) of this subsection by first class mail or electron-
4 ically to the candidate. The notice shall be used for purposes of determining
5 the deadline for requesting a hearing under subsection (3) of this section.

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

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

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

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

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

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

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

30 “(7) A civil penalty imposed under this section may not be more than the

1 following:

2 “(a) For failure to file a statement or certificate required to be filed under
3 ORS 260.044, 260.057, 260.076, 260.078, 260.083, 260.112 or 260.118, 10 percent
4 of the total amount of the contribution or expenditure required to be in-
5 cluded in the statement or certificate; or

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

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

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

16 **“SECTION 10.** ORS 260.285 is amended to read:

17 “260.285. (1) The Secretary of State may impose a civil penalty as provided
18 in this section, in addition to any other penalty that may be imposed, for
19 failing to:

20 “(a) Timely file an initial donor identification list required to be filed
21 under ORS 260.281;

22 “(b) Timely file an updated donor identification list required to be filed
23 under ORS 260.281; or

24 “(c) Include all donors or amounts donated that are required to be in-
25 cluded in an initial donor identification list or an updated donor identifica-
26 tion list that is required to be filed under ORS 260.281.

27 “(2)(a) For each failure to timely file an initial donor identification list
28 that is required to be filed under ORS 260.281 for exceeding the
29 electioneering threshold for a legislative race, the Secretary of State may
30 impose a civil penalty not to exceed the lesser of:

1 “(A) 10 percent per day of the total cost for political communications
2 made by the covered organization for the applicable legislative race; or

3 “(B) 150 percent of the total cost for political communications made by
4 the covered organization for the applicable legislative race.

5 “(b) For each failure to timely file an initial donor identification list that
6 is required to be filed under ORS 260.281 for exceeding the electioneering
7 threshold for a measure, the Secretary of State may impose a civil penalty
8 not to exceed the lesser of:

9 “(A) 10 percent per day of the total cost for political communications
10 made by the covered organization for the applicable measure; or

11 “(B) 150 percent of the total cost for political communications made by
12 the covered organization for the applicable measure.

13 “(c) For each failure to timely file an initial donor identification list that
14 is required to be filed under ORS 260.281 for exceeding the electioneering
15 threshold for a political committee, the Secretary of State may impose a civil
16 penalty not to exceed the lesser of:

17 “(A) 10 percent per day of the total cost for political communications
18 made by the covered organization for the applicable political committee; or

19 “(B) 150 percent of the total cost for political communications made by
20 the covered organization for the applicable political committee.

21 “(d) For each failure to timely file an initial donor identification list that
22 is required to be filed under ORS 260.281 for exceeding the electioneering
23 threshold for a statewide race, the Secretary of State may impose a civil
24 penalty not to exceed the lesser of:

25 “(A) 10 percent per day of the total cost for political communications
26 made by the covered organization for the applicable statewide race; or

27 “(B) 150 percent of the total cost for political communications made by
28 the covered organization for the applicable statewide race.

29 “(3) For each failure to accurately include the name of a donor or the
30 amount a donor donated to the covered organization in an initial donor

1 identification list or an updated donor identification list that is required to
2 be filed under ORS 260.281, or for each failure to timely file an updated do-
3 nor identification list that is required to be filed under ORS 260.281, the
4 Secretary of State may impose a civil penalty not to exceed 10 percent of the
5 aggregate donations that were not properly identified.

6 “(4) Except as otherwise provided by this section, civil penalties under
7 this section shall be imposed as provided in ORS 183.745. In addition to the
8 requirements for a notice of right to a hearing of ORS 183.745, the notice
9 shall include:

10 “(a) A statement of the authority and jurisdiction under which the hear-
11 ing is to be held; and

12 “(b) If the person is an agency, corporation or an unincorporated associ-
13 ation, a statement that such person must be represented by an attorney li-
14 censed in Oregon.

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

17 “(a) Upon request of the person against whom the penalty may be as-
18 sessed, if the request is made not later than the 20th day after the date the
19 person received notice sent under subsection (4) of this section; or

20 “(b) Upon the Secretary of State’s own motion.

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 or other evidence, sworn to before a notary public, to the
24 Secretary of State for entry in the hearing record. The testimony or other
25 evidence must be received by the Secretary of State not later than three
26 business days before the day of the hearing **and may be submitted elec-**
27 **tronically.**

28 “(7) All hearings under this section shall be held not later than 45 days
29 after the deadline for the person against whom the penalty may be assessed
30 to request a hearing. However, if requested by the person against whom the

1 penalty may be assessed, a hearing under subsection (5) of this section shall
2 be held not later than 60 days after the deadline for the person against whom
3 the penalty may be assessed to request a hearing.

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

7 “(9) All penalties recovered under this section shall be paid into the State
8 Treasury and credited to the General Fund.

9 “(10) The Secretary of State may adopt rules necessary to implement this
10 section.

11 **“SECTION 11.** ORS 260.995, as amended by section 3, chapter 636, Oregon
12 Laws 2019, is amended to read:

13 “260.995. (1) Except as provided in subsection (2) of this section, following
14 an investigation under ORS 260.345, the Secretary of State or Attorney
15 General may impose a civil penalty not to exceed \$1,000 for each violation
16 of any provision of Oregon Revised Statutes relating to the conduct of any
17 election, any rule adopted by the secretary under ORS chapters 246 to 260
18 or any other matter preliminary to or relating to an election, for which a
19 civil penalty is not otherwise provided.

20 “(2) The secretary or the Attorney General may impose a civil penalty
21 not to exceed:

22 “(a)(A) Except as provided in subparagraph (B) of this paragraph, \$1,000
23 plus the amount converted to personal use for each violation of ORS 260.407;

24 “(B) Two times the amount of the penalty provision for violating a
25 nondisclosure agreement that is contained within each nondisclosure agree-
26 ment entered into in violation of ORS 260.407 or 260.413;

27 “(b) 150 percent of the total cost of printing, transmitting or distributing
28 a communication in support of or in opposition to a clearly identified can-
29 didate if the disclosure requirements set forth in ORS 260.266 are not met;

30 or

1 “(c) \$10,000 for each violation of ORS 260.555, 260.558, 260.575, 260.695 (1)
2 or 260.715 (1) or [*section 1b,*] Article IV, **section 1b**, of the Oregon Consti-
3 tution.

4 “(3) Except as otherwise provided by this section, civil penalties under
5 this section shall be imposed as provided in ORS 183.745. In addition to the
6 requirements of ORS 183.745, the notice shall include:

7 “(a) A statement of the authority and jurisdiction under which the hear-
8 ing is to be held; and

9 “(b) If the person is an agency, corporation or an unincorporated associ-
10 ation, a statement that such person must be represented by an attorney li-
11 censed in Oregon, unless the person is a political committee which may be
12 represented by any officer identified in the most recent statement of organ-
13 ization filed with the filing officer.

14 “(4) A hearing on whether to impose a civil penalty and to consider cir-
15 cumstances in mitigation shall be held by the secretary or Attorney General:

16 “(a) Upon request of the person against whom the penalty may be as-
17 sessed, if the request is made not later than the 20th day after the **service**
18 date [*the person received*] **on the** notice sent under subsection (3) of this
19 section; or

20 “(b) Upon the secretary’s or Attorney General’s own motion.

21 “(5) 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 or other evidence, sworn to before a notary public, to the
24 secretary or Attorney General for entry in the hearing record. The testimony
25 or other evidence must be received by the secretary or Attorney General not
26 later than three business days before the day of the hearing **and may be**
27 **submitted electronically.**

28 “(6) All hearings under this section shall be held not later than 45 days
29 after the deadline for the person against whom the penalty may be assessed
30 to request a hearing. However, if requested by the person against whom the

1 penalty may be assessed, a hearing under subsection (4) of this section shall
2 be held not later than 60 days after the deadline for the person against whom
3 the penalty may be assessed to request a hearing.

4 “(7) The secretary or Attorney General shall issue an order not later than
5 90 days after a hearing or after the deadline for requesting a hearing if no
6 hearing is held.

7 “(8) All penalties recovered under this section shall be paid into the State
8 Treasury and credited to the General Fund.

9 “(9) In the case of a civil penalty imposed under this section for a vio-
10 lation of ORS 260.407, the person against whom the penalty is assessed:

11 “(a) Is personally responsible for the payment of the civil penalty;

12 “(b) Shall pay the civil penalty from personal funds of the person; and

13 “(c) May not pay the civil penalty from contributions received by a can-
14 didate, a candidate’s principal campaign committee, a political committee or
15 a petition committee.

16 **“SECTION 12.** ORS 253.065 is amended to read:

17 “253.065. (1) For electors with mailing addresses outside this state, the
18 county clerk shall deliver a ballot:

19 “(a) Not later than the 45th day before the election to each military or
20 overseas elector; and

21 “(b) Not sooner than the 29th day before the election to each absent
22 elector with a mailing address outside this state who is not a military or
23 overseas elector.

24 “(2) The clerk shall deliver with the ballot instructions for marking and
25 returning the ballot, a return identification envelope and, **if used**, a secrecy
26 envelope. The back of the envelope shall include a statement to be signed
27 by the absent elector, stating that the elector:

28 “(a) Is qualified to vote;

29 “(b) Unless prevented by physical disability, has personally marked the
30 ballot; and

1 “(c) Has not unnecessarily exhibited the marked ballot to any other per-
2 son.

3 “(3) An absent elector may obtain a replacement ballot if the ballot de-
4 livered under this section is destroyed, spoiled, lost or not received by the
5 elector. The county clerk shall keep a record of each replacement ballot
6 provided under this subsection.

7 “(4) A replacement ballot provided under subsection (3) of this section
8 may be mailed or shall be made available in the office of the county clerk.

9 “(5) If the county clerk determines that an absent elector to whom a re-
10 placement ballot has been issued at the request of the elector has voted more
11 than once, the county clerk shall count only the first ballot received by the
12 clerk and provide the elector’s name to the Secretary of State for further
13 review. If the county clerk is required to reissue ballots due to a change on
14 the ballot for any reason, that ballot shall be counted in lieu of any previous
15 ballot issued unless:

16 “(a) Only the original ballot was voted and returned; or

17 “(b) The county clerk issued a supplemental ballot that is not a complete
18 replacement of the original ballot.

19 **“SECTION 13.** ORS 254.408 is amended to read:

20 “254.408. (1) A person offering to vote and who claims to be an elector,
21 but for whom no evidence of active or inactive registration can be found,
22 shall be granted the right to vote in the manner provided in this section.

23 “(2) Whenever an elector updates a registration at a county clerk’s office
24 after the ballots have been mailed under ORS 254.470, the elector shall vote
25 in that election in the manner provided in this section.

26 “(3) An elector voting under this section shall complete and sign a reg-
27 istration card.

28 “(4)(a)(A) **Except as provided in subparagraph (B) of this paragraph,**
29 the elector shall insert the ballot into a small envelope provided by the
30 county clerk and then insert the small envelope into a larger envelope. The

1 larger envelope shall be delivered to the county clerk and shall be segregated
2 and not counted until the registration of the elector is verified under this
3 section.

4 **“(B) The county clerk shall inform the elector of any alterations to**
5 **the process described in subparagraph (A) of this paragraph that are**
6 **necessary if the Secretary of State has approved a procedure under**
7 **ORS 254.458 to be used in lieu of the envelope procedures.**

8 “(b) An envelope provided under this subsection must comply with the
9 prohibitions set forth in ORS 254.470 (11).

10 “(5) The county clerk shall determine if the elector is validly registered
11 to vote and if the vote was properly cast. The ballot shall be counted only
12 if the county clerk determines the registration of the elector is considered
13 active or inactive.

14 “(6) A vote shall be counted only if the elector is qualified to vote for the
15 particular office or on the measure.

16 **“SECTION 14.** ORS 254.470 is amended to read:

17 “254.470. (1) The Secretary of State by rule shall establish requirements
18 and criteria for the designation of places of deposit for the ballots cast in
19 an election. The rules shall also specify the dates and times the places of
20 deposit must be open and the security requirements for the places of deposit.
21 At a minimum, the places designated under this section shall be open on the
22 date of the election for a period of eight or more hours, but must be open
23 until at least 8 p.m. At each place of deposit designated under this section,
24 the county clerk shall prominently display a sign stating that the location
25 is an official ballot drop site.

26 “(2)(a) Except as provided in paragraphs (b) [*and (c)*] **to (d)** of this sub-
27 section, the county clerk shall mail by nonforwardable mail an official ballot
28 with a return identification envelope and a secrecy envelope not sooner than
29 the 20th day before the date of an election and not later than the 14th day
30 before the date of the election, to each active elector of the electoral district

1 as of the 21st day before the date of the election.

2 “(b) If the county clerk determines that an active elector of the electoral
3 district as of the 21st day before the date of the election does not receive
4 daily mail service from the United States Postal Service, the county clerk
5 shall mail by nonforwardable mail an official ballot with a return identifi-
6 cation envelope and a secrecy envelope to the elector not sooner than the
7 20th day before the date of an election and not later than the 18th day before
8 the date of the election.

9 “(c) In the case of ballots to be mailed to addresses outside this state to
10 electors who are not military or overseas electors, the county clerk may mail
11 the ballots not sooner than the 29th day before the date of the election.

12 **“(d) The county clerk is not required to mail a secrecy envelope**
13 **under this subsection if the Secretary of State has approved a different**
14 **procedure under ORS 254.458 that provides substantially the same de-**
15 **gree of secrecy.**

16 “(3) For an election held on the date of a primary election:

17 “(a) The county clerk shall mail the official ballot of a major political
18 party to each elector who is registered as being affiliated with the major
19 political party as of the 21st day before the date of the election.

20 “(b) The county clerk shall mail the official ballot of a major political
21 party to an elector not affiliated with any political party if the elector has
22 applied for the ballot as provided in this subsection and that party has pro-
23 vided under ORS 254.365 for a primary election that admits electors not af-
24 filiated with any political party.

25 “(c) An elector not affiliated with any political party who wishes to vote
26 in the primary election of a major political party shall apply to the county
27 clerk in writing. The application must be completed, signed and submitted
28 by the elector electronically, in person or by mail, in a manner determined
29 by the secretary by rule and must indicate which major political party ballot
30 the elector wishes to receive. Except for electors described in subsection (4)

1 of this section, and subject to ORS 247.203, the application must be received
2 by the county clerk not later than 5 p.m. of the 21st day before the date of
3 the election.

4 “(d) If the primary election ballot includes city, county or nonpartisan
5 offices or measures, the county clerk shall mail to each elector who is not
6 eligible to vote for party candidates a ballot limited to those offices and
7 measures for which the elector is eligible to vote.

8 “(4)(a) For each elector who updates a voter registration after the dead-
9 line in ORS 247.025, the county clerk shall make the official ballot, the re-
10 turn identification envelope and the secrecy envelope available either by
11 mail or at the county clerk’s office or at another place designated by the
12 county clerk. An elector to whom this subsection applies must request a
13 ballot from the county clerk.

14 “(b) **The county clerk is not required to make available a secrecy**
15 **envelope under this subsection if the Secretary of State has approved**
16 **a different procedure under ORS 254.458 that provides substantially the**
17 **same degree of secrecy.**

18 “(5) The ballot shall contain the following warning:

19 “ _____
20 “Any person who, by use of force or other means, unduly influences an
21 elector to vote in any particular manner or to refrain from voting is subject
22 to a fine.

23 “ _____
24 “(6)(a) Upon receipt of any ballot described in this section, the elector
25 shall mark the ballot, sign the return identification envelope supplied with
26 the ballot and comply with the instructions provided with the ballot.

27 “(b) The elector may return the marked ballot to the county clerk by
28 United States mail or by depositing the ballot at the office of the county
29 clerk, at any place of deposit designated by the county clerk or at any lo-
30 cation described in ORS 254.472 or 254.474.

1 “(c) The ballot must be returned in the return identification envelope.

2 “(d) Subject to paragraph (e) of this subsection, if a person returns a
3 ballot for an elector, the person shall deposit the ballot in a manner de-
4 scribed in paragraph (b) of this subsection not later than two days after re-
5 ceiving the ballot.

6 “(e) A ballot must be received at the office of the county clerk, at the
7 designated place of deposit or at any location described in ORS 254.472 or
8 254.474 not later than the end of the period determined under subsection (1)
9 of this section on the date of the election.

10 “(7) An elector may obtain a replacement ballot if the ballot is destroyed,
11 spoiled, lost or not received by the elector. Replacement ballots shall be
12 issued and processed as described in this section and ORS 254.480. The
13 county clerk shall keep a record of each replacement ballot provided under
14 this subsection. Notwithstanding any deadline for mailing ballots in sub-
15 section (2) of this section, a replacement ballot may be mailed, made avail-
16 able in the office of the county clerk or made available at one central
17 location in the electoral district in which the election is conducted. The
18 county clerk shall designate the central location. A replacement ballot need
19 not be mailed after the fifth day before the date of the election.

20 “(8) A ballot shall be counted only if:

21 “(a) It is returned in the return identification envelope;

22 “(b) The envelope is signed by the elector to whom the ballot is issued,
23 unless a certified statement is submitted under ORS 254.431; and

24 “(c) The signature is verified as provided in subsection (9) of this section.

25 “(9) The county clerk shall verify the signature of each elector on the
26 return identification envelope with the signature on the elector’s registration
27 record, according to the procedure provided by rules adopted by the Secre-
28 tary of State. If the county clerk determines that an elector to whom a re-
29 placement ballot has been issued has voted more than once, the county clerk
30 shall count only one ballot cast by that elector.

1 “(10) At 8 p.m. on election day, electors who are at the county clerk’s
2 office, a place of deposit designated under subsection (1) of this section or
3 any location described in ORS 254.472 or 254.474 and who are in line waiting
4 to vote or deposit a voted ballot shall be considered to have begun the act
5 of voting.

6 “(11)(a)(A) Except as provided in subparagraph (B) of this paragraph, the
7 name of the Secretary of State may not appear in the secretary’s official
8 capacity on the return identification envelope[, *secrecy envelope*] or on any
9 instructions or materials included with the ballot if the secretary is a can-
10 didate in the election for which the ballot is printed.

11 “(B) This paragraph does not prohibit the name of the Secretary of State
12 from appearing in the secretary’s official capacity in the voters’ pamphlet.

13 “(b) The name of the county clerk or other filing officer may not appear
14 in the official capacity of the county clerk or filing officer on the return
15 identification envelope[, *secrecy envelope*] or on any instructions or materials
16 included with the ballot if the county clerk or filing officer is a candidate
17 in the election for which the ballot is printed.

18 “(c) As used in this subsection, ‘filing officer’ has the meaning given that
19 term in ORS 254.165.

20 “**SECTION 15.** ORS 254.478 is amended to read:

21 “254.478. (1) Subject to ORS 260.705 [*and not sooner than the seventh day*
22 *before the date of an election*], **upon receipt of ballots**, the county clerk may:

23 “(a) Begin opening return identification **envelopes of ballots** and **any**
24 **used** secrecy envelopes of ballots [*delivered by mail and received by the*
25 *county clerk*]; and

26 “(b) In accordance with a security plan approved by the Secretary of State
27 under ORS 254.074, begin scanning ballots into a vote tally system.

28 “(2) The county clerk may take any other actions that are necessary to
29 count ballots [*delivered by mail*].

30 “**SECTION 16.** ORS 249.865 is amended to read:

1 “249.865. (1) Pursuant to Article II, section 18, of the Oregon Constitution,
2 an elector of the electoral district from which the public officer is elected
3 may file a petition demanding the recall of the public officer. The production
4 and circulation of the petition must conform to the requirements governing
5 recall petitions set forth in ORS 250.048 and 250.052. Before the petition is
6 circulated for signatures, the chief petitioner of the petition shall file with
7 the officer authorized to order the recall election a copy of the prospective
8 petition signed by the chief petitioner.

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

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

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

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

22 “(a) The words ‘Petition for recall of,’ (name and title of officer) and the
23 date of the filing under subsection (1) of this section; and

24 “(b) The name and [address] **city and state of residence** of the chief
25 petitioner [*listed on the statement of organization filed under ORS 260.118*].

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

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

1 “(b) Believes each individual is an elector.

2 “(5) Any intentional or willful violation of subsection (1) or (2) of this
3 section by a chief petitioner of the recall petition listed on the statement of
4 organization filed under ORS 260.118 invalidates the prospective petition
5 before it is circulated for signatures.”.

6
