

D R A F T

SUMMARY

Requires chief petitioners of state initiative or referendum petitions to be registered to vote in Oregon.

Directs Secretary of State to determine and print in voters' pamphlet for each state initiative or referendum measure number of signatures obtained in each county, percentage of total number of signatures obtained that are obtained in each county and percentage of electors in each county who signed petition.

Directs Secretary of State to determine and print in voters' pamphlet for each state initiative or referendum measure names and addresses of five persons or political committees that made greatest amount of contributions in support of obtaining signatures on state initiative or referendum petition.

Directs Secretary of State to include in voters' pamphlet description of procedures for filing complaint involving alleged violation of laws governing initiative and referendum petitions and description of penalties applicable to violations.

A BILL FOR AN ACT

1
2 Relating to elections; creating new provisions; and amending ORS 250.045,
3 251.026 and 251.185.

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

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

6 250.045. (1) Before circulating a petition to initiate or refer a state
7 measure under section 1, Article IV, Oregon Constitution, the petitioner
8 shall file with the Secretary of State a prospective petition. **All chief**
9 **petitioners of a petition to initiate or refer a state measure must be**
10 **electors.** The prospective petition for a state measure to be initiated shall
11 contain a statement of sponsorship signed by at least 25 electors. The
12 statement of sponsorship shall be attached to a full and correct copy of the
13 measure to be initiated. The signatures in the statement of sponsorship must

1 be accompanied by a certificate of the county clerk of each county in which
2 the electors who signed the statement reside, stating the number of signa-
3 tures believed to be genuine. The Secretary of State shall date and time
4 stamp the prospective petition and specify the form on which the petition
5 shall be printed for circulation. The secretary shall approve or disapprove
6 the form of any petition signature sheet within five business days after the
7 signature sheet is submitted for review by the secretary. The secretary shall
8 retain the prospective petition.

9 (2) The chief [*petitioner*] **petitioners** may amend the proposed initiated
10 measure filed with the Secretary of State without filing another prospective
11 petition, if:

12 (a) The Attorney General certifies to the Secretary of State that the pro-
13 posed amendment will not substantially change the substance of the measure;
14 and

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

17 (3) The cover of an initiative or referendum petition shall designate the
18 name and residence address of not more than three persons as chief
19 petitioners and shall contain instructions for persons obtaining signatures
20 of electors on the petition. The instructions shall be adopted by the Secretary
21 of State by rule. The cover of a referendum petition shall contain the final
22 measure summary described in ORS 250.065 (1). If a petition seeking a dif-
23 ferent ballot title is not filed with the Supreme Court by the deadline for
24 filing a petition under ORS 250.085, the cover of an initiative petition shall
25 contain the ballot title described in ORS 250.067 (2). However, if the Supreme
26 Court has reviewed the ballot title, the cover of the initiative petition shall
27 contain the title certified by the court.

28 (4) The chief petitioners shall include with the prospective petition a
29 statement declaring whether one or more persons will be paid money or other
30 valuable consideration for obtaining signatures of electors on the initiative
31 or referendum petition. After the prospective petition is filed, the chief

1 petitioners shall notify the filing officer not later than the 10th day after any
2 of the chief petitioners first has knowledge or should have had knowledge
3 that:

4 (a) Any person is being paid for obtaining signatures, when the statement
5 included with the prospective petition declared that no such person would
6 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 (5)(a) Each sheet of signatures on an initiative petition shall contain the
11 caption of the ballot title. Each sheet of signatures on a referendum petition
12 shall contain the subject expressed in the title of the Act to be referred.

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

14 (A) Contain only the signatures of electors of one county; and

15 (B) If one or more persons will be paid for obtaining signatures of electors
16 on the petition, contain a notice stating: "Some Circulators For This Peti-
17 tion Are Being Paid." The notice shall be in boldfaced type and shall be
18 prominently displayed on the sheet.

19 (c) The Secretary of State by rule shall adopt a method of designation to
20 distinguish signature sheets of referendum petitions containing the same
21 subject reference and being circulated during the same period.

22 (6) The reverse side of the cover of an initiative or referendum petition
23 shall be used for obtaining signatures on an initiative or referendum peti-
24 tion.

25 (7) Not more than 20 signatures on the signature sheet of the initiative
26 or referendum petition shall be counted. The circulator shall certify on each
27 signature sheet of the initiative or referendum petition that the individuals
28 signed the sheet in the presence of the circulator and that the circulator
29 believes each individual is an elector.

30 (8) The person obtaining signatures on the petition shall carry at least
31 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 2.** Section 3 of this 2007 Act is added to and made a part
3 of ORS chapter 251.

4 **SECTION 3.** (1) For each state initiative or referendum measure,
5 the Secretary of State shall determine:

6 (a) The number of signatures obtained on the petition in each
7 county in this state;

8 (b) The percentage of the total number of signatures obtained on
9 the petition that were obtained in each county in this state; and

10 (c) The percentage of the total number of electors in each county
11 who signed the petition in that county.

12 (2) For each state initiative or referendum measure, the Secretary
13 of State shall determine the names and addresses of the five persons
14 or political committees that made the greatest amount of contribu-
15 tions in support of obtaining signatures on the state initiative or ref-
16 erendum petition. For purposes of this subsection, the accounting
17 period for making the determination begins on the date the name of
18 a treasurer for the petition is certified under ORS 260.118 and ends on
19 deadline for filing the petition with the secretary for verification of
20 signatures.

21 **SECTION 4.** ORS 251.185 is amended to read:

22 251.185. (1) The Secretary of State shall have printed in the voters' pam-
23 phlet for a general election or any special election a copy of the title and
24 text of each state measure to be submitted to the people at the election for
25 which the pamphlet was prepared. Each measure shall be printed in the
26 pamphlet with:

27 (a) The number and ballot title of the measure;

28 (b) The financial estimates and any statement prepared for the measure
29 under ORS 250.125;

30 (c) The explanatory statement prepared for the measure; *[and]*

31 (d) Arguments relating to the measure and filed with the Secretary of

1 State; and

2 **(e) If applicable, the information described in section 3 of this 2007**
3 **Act.**

4 (2) A county measure or measure of a metropolitan service district or-
5 ganized under ORS chapter 268, and ballot title, explanatory statement and
6 arguments relating to the measure, filed by the county or metropolitan ser-
7 vice district under ORS 251.285 shall be included in the voters' pamphlet
8 described in subsection (1) of this section if required under ORS 251.067.

9 **SECTION 5.** ORS 251.026 is amended to read:

10 251.026. (1) The Secretary of State shall prepare and have printed in the
11 voters' pamphlet for the state primary election, the general election and any
12 special election described in ORS 251.022 a statement containing, if applica-
13 ble:

14 (a) Requirements for a citizen to qualify as an elector.

15 (b) When an elector is required to register or update a registration.

16 (c) In the voters' pamphlet for the primary election, a statement of the
17 duties and responsibilities of a precinct committeeperson to be elected at the
18 primary election.

19 **(d) A description of the procedures for filing a complaint alleging**
20 **a violation of any provision of law governing the initiative and refer-**
21 **endum petition process.**

22 **(e) A description of penalties applicable to violations of laws gov-**
23 **erning the initiative and referendum petition process.**

24 **[(d)] (f) Any other information the Secretary of State considers relevant**
25 **to the conduct of the election.**

26 (2) The Secretary of State shall include a statement on the cover of the
27 voters' pamphlet that the pamphlet may be used to assist electors in voting.

28 (3) The Secretary of State may include in the voters' pamphlet the fol-
29 lowing information:

30 (a) Maps showing the boundaries of senatorial and representative dis-
31 tricts.

1 (b) Voter registration forms.

2 (c) Elector instructions, including the right of an elector to request a
3 second ballot if the first ballot is spoiled and the right of an elector to seek
4 assistance in marking the ballot.

5 **SECTION 6. (1) The amendments to ORS 250.045 by section 1 of this**
6 **2007 Act do not apply to a state initiative or referendum petition that,**
7 **if filed with the required number of signatures of electors, will be**
8 **submitted to the people at an election held prior to or on the first**
9 **Tuesday after the first Monday in November 2008.**

10 **(2) The amendments to ORS 250.045 by section 1 of this 2007 Act**
11 **apply to a state initiative or referendum petition for which a prospec-**
12 **tive petition is filed on or after the effective date of this 2007 Act and**
13 **that, if filed with the required number of signatures of electors, will**
14 **be submitted to the people at an election held after the first Tuesday**
15 **after the first Monday in November 2008.**

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