

# Senate Bill 154

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## 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 organization or entity that pays persons to obtain signatures on election petitions to register with Secretary of State.

Requires one or more individuals who represent organization or entity to complete training prescribed by secretary and affirm that organization or entity operates in compliance with Oregon election law.

Becomes operative January 1, 2014.

Declares emergency, effective on passage.

## A BILL FOR AN ACT

1  
2 Relating to election petitions; creating new provisions; amending ORS 250.048; and declaring an  
3 emergency.

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

5 **SECTION 1.** ORS 250.048 is amended to read:

6 250.048. (1) A person may not pay money or other valuable consideration to another person for  
7 obtaining signatures of electors on a state initiative, referendum or recall petition or a prospective  
8 petition for a state measure to be initiated, and a person may not receive money or other valuable  
9 consideration for obtaining signatures of electors on a state initiative, referendum or recall petition  
10 or a prospective petition for a state measure to be initiated, unless the person obtaining the signa-  
11 tures:

12 (a) Registers with the Secretary of State in the manner prescribed by this section and by rule  
13 of the secretary; and

14 (b) Completes the training program prescribed by rule of the secretary.

15 (2) A person may apply to the secretary for a registration required under subsection (1) of this  
16 section. The application shall include:

17 (a) The full name and any assumed name of the applicant;

18 (b) The residential street address of the applicant;

19 (c) An example of the signature of the applicant;

20 (d) A list of the prospective petitions on which the applicant will gather signatures;

21 (e) A list of the initiative, referendum and recall petitions on which the applicant will gather  
22 signatures;

23 (f) If the applicant has been convicted for a criminal offense involving fraud, forgery or iden-  
24 tification theft, information relating to the circumstances of the conviction as required by the sec-  
25 retary;

26 (g) A statement signed by the applicant acknowledging that the applicant has read and under-  
27 stands Oregon law applicable to the gathering of signatures on state initiative, referendum and re-

**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 call petitions and prospective petitions for state measures to be initiated, as the law is summarized  
2 in the training program established by the Secretary of State;

3 (h) Evidence indicating that the applicant has completed the training required by the secretary  
4 by rule;

5 (i) A photograph of the applicant; and

6 (j) A statement signed by a chief petitioner of each petition or prospective petition, or a person  
7 designated by a chief petitioner under this paragraph, upon which the applicant will gather signa-  
8 tures acknowledging that the chief petitioner is liable for violations of law or rule committed by the  
9 person obtaining signatures as provided in ORS 260.561. A chief petitioner may designate a person  
10 to sign a statement described in this paragraph on behalf of the chief petitioner.

11 (3)(a) If an applicant complies with subsection (2) of this section, not later than five business  
12 days after the applicant applies, the secretary shall register the applicant and assign the applicant  
13 a registration number.

14 (b) A person who is registered to obtain signatures on a prospective petition for a state measure  
15 to be initiated need not reapply for a registration under this section in order to obtain signatures  
16 on a state initiative, referendum or recall petition, except that the person shall submit a list of the  
17 initiative, referendum and recall petitions on which the person will gather signatures.

18 (c) A registration to obtain signatures on a state initiative petition or a prospective petition for  
19 a state measure to be initiated is valid until the date that is four months before the next general  
20 election.

21 (d) A registration to obtain signatures on a referendum or recall petition is valid until the date  
22 the petition is filed for signature verification.

23 (4) A person may not apply for registration under this section if, during the five-year period  
24 prior to the date of application, the person:

25 (a) Has been convicted for a criminal offense involving fraud, forgery or identification theft in  
26 any state;

27 (b) Has had a civil penalty imposed under ORS 260.995 for a violation of this section or ORS  
28 260.262; or

29 (c) Has had a civil or criminal penalty imposed for violation of a statute subject to a criminal  
30 penalty under ORS 260.993.

31 (5) To assist in determining the identity of an applicant or whether an applicant has been con-  
32 victed for a criminal offense described in subsection (4) of this section, upon consent of the applicant  
33 and upon request of the secretary, the Department of State Police shall furnish to the secretary any  
34 information that the department may have in its possession, including but not limited to the Law  
35 Enforcement Data System established in ORS 181.730, other computerized information and any other  
36 information to which the department may have access. For purposes of receiving the information  
37 described in this subsection, the office of the Secretary of State is a "criminal justice agency" under  
38 ORS 181.010 to 181.560 and 181.715 to 181.730 and the rules adopted under ORS 181.555. Upon sub-  
39 mitting an application for registration described in subsection (2) of this section, an applicant is  
40 deemed to have given the consent necessary for purposes of this subsection.

41 (6) If a person receives money or other valuable consideration for obtaining signatures of elec-  
42 tors on a state initiative, referendum or recall petition or a prospective petition for a state measure  
43 to be initiated and the person was not registered as required under this section at the time the  
44 signatures were obtained, the secretary may not include any signatures obtained by the person in  
45 a count under ORS 250.045 (3) or 250.105 or ORS chapter 249 for purposes of determining whether

1 the petition or prospective petition contains the required number of signatures of electors.

2 (7) A person registered under this section shall carry evidence of registration with the person  
3 while the person is obtaining signatures on a state initiative, referendum or recall petition or a  
4 prospective petition for a state measure to be initiated. The evidence of registration shall contain  
5 the photograph and registration number of the person. The secretary by rule shall designate the  
6 form of the evidence of registration.

7 (8) A photograph of an applicant submitted under subsection (2) of this section shall:

8 (a) Be a conventional photograph with a plain background;

9 (b) Show the face or the face, neck and shoulders of the applicant; and

10 (c) Be prepared and processed for printing as prescribed by the secretary.

11 (9) A person registered under this section may not obtain signatures on a petition or prospective  
12 petition for which the person is being paid and, at the same time, obtain signatures on a petition  
13 or prospective petition for which the person is not being paid. The secretary may not include any  
14 signatures obtained in violation of this subsection in a count under ORS 250.045 (3) or 250.105 or  
15 ORS chapter 249 for purposes of determining whether a state initiative, referendum or recall petition  
16 or a prospective petition for a state measure to be initiated contains the required number of signa-  
17 tures of electors.

18 **(10) An organization or entity that pays money or other valuable consideration to a person for obtaining signatures of electors on a state initiative, referendum or recall petition or a prospective petition for a state measure to be initiated shall register with the Secretary of State by:**

21 (a) **Submitting the name and address of the organization or entity;**

22 (b) **Selecting one or more individuals who represent the organization or entity to complete the training program prescribed in subsection (1) of this section; and**

23 (c) **Submitting a statement signed by each individual selected:**

24 (A) **Acknowledging that the individual has read and understands Oregon law applicable to the gathering of signatures on state initiative, referendum and recall petitions and prospective petitions for state measures to be initiated, as the law is summarized in the training program established by the secretary; and**

25 (B) **Affirming that the organization or entity operates in compliance with the law.**

26 [(10)] (11) The secretary shall adopt rules necessary to implement this section, including rules:

27 (a) Establishing procedures for registering persons **or organizations or entities as described in this section** [*who may be paid money or other valuable consideration for obtaining signatures of electors on state initiative, referendum or recall petitions or prospective petitions for state measures to be initiated*]; and

28 (b) Establishing a training program [*for persons who may be paid money or other valuable consideration for obtaining signatures of electors on state initiative, referendum or recall petitions or prospective petitions for state measures to be initiated*] **prescribed in subsection (1) of this section.**

29 **SECTION 2. The amendments to ORS 250.048 by section 1 of this 2013 Act become operative on January 1, 2014.**

30 **SECTION 3. The amendments to ORS 250.048 by section 1 of this 2013 Act apply to organizations or entities that pay money or other valuable consideration to a person to obtain signatures of electors on or after the operative date specified in section 2 of this 2013 Act.**

31 **SECTION 4. This 2013 Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2013 Act takes effect**

1 **on its passage.**

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