

# D R A F T

## SUMMARY

Requires signature gatherers or organizers of county, city or district initiative, referendum or recall petitions to register with Secretary of State in same manner as signature gatherers of state measures, unless otherwise provided by county ordinance, city ordinance or district ordinance.

Applies potential penalties to chief petitioners of county, city or district initiative, referendum or recall petitions in same manner as chief petitioners of state measures, unless otherwise provided by county ordinance, city ordinance or district ordinance.

Requires chief petitioner of county, city or district initiative petitions to file monthly signature sheets in same manner as chief petitioners of state initiative measures, unless otherwise provided by county ordinance, city ordinance or district ordinance.

Declares emergency, effective on passage.

## A BILL FOR AN ACT

Relating to election petitions; creating new provisions; amending ORS 250.048, 250.165, 250.265, 255.135, 260.262, 260.368, 260.561, 260.563 and 260.995; and declaring an emergency.

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

**SECTION 1.** ORS 250.048, as amended by section 1, chapter 67, Oregon Laws 2014, and section 1, chapter 112, Oregon Laws 2014, is amended to read:

250.048. (1)(a) A person may not pay money or other valuable consideration to another 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, and a person may not receive money or other valuable consideration for obtaining signatures of electors on a state initiative, referendum or recall petition or a prospective petition for a state measure

to be initiated, unless the person obtaining the signatures:

[(a)] **(A) Registers with the Secretary of State in the manner prescribed by this section and by rule of the secretary; and**

[(b)] **(B) Completes the training program prescribed by rule of the secretary.**

**(b) Unless otherwise provided by county ordinance, city ordinance or district ordinance, a person may not pay money or other valuable consideration to another person for obtaining signatures of electors on a county, city or district initiative, referendum or recall petition, and a person may not receive money or other valuable consideration for obtaining signatures of electors on a county, city or district initiative, referendum or recall petition, unless the person obtaining the signatures:**

**(A) Registers with the Secretary of State in the manner prescribed by this section and by rule of the secretary; and**

**(B) Completes the training program prescribed by rule of the secretary.**

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

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

(b) The residential street address of the applicant;

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

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

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

(f) If the applicant has been convicted for a criminal offense involving fraud, forgery or identification theft, information relating to the circumstances of the conviction as required by the secretary;

(g) A statement signed by the applicant acknowledging that the applicant has read and understands Oregon law applicable to the gathering of signa-

tures on state, **county, city or district** 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 of State;

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

(i) A photograph of the applicant;

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

(k) A copy of the applicant's criminal records check.

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

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

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

**(d) A registration to obtain signatures on a county, city or district initiative petition is valid for the two-year period granted for the gathering of signatures under ORS 250.165 (7), 250.265 (7) or 255.135 (7).**

[(d)] (e) A registration to obtain signatures on a referendum or recall

petition is valid until the date the petition is filed for signature verification.

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

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

(b) Has had a civil penalty imposed under ORS 260.995 for a violation of this section, ORS 260.262, 260.555, 260.558, 260.575, 260.695 (1) or 260.715 (1) or Article IV, *[section 1b]* **section 1 (2)(d) or (5) or 1b, or Article VI, section 10**, of the Oregon Constitution; or

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

(5)(a) Upon request of the secretary, the Department of State Police shall furnish to the secretary any information that the department may have in its possession regarding an applicant, including but not limited to the Law Enforcement Data System established in ORS 181.730, other computerized information and any other information to which the department may have access. Information obtained under this paragraph may be used to assist in determining the identity of an applicant or whether an applicant has been convicted of a criminal offense described in subsection (4) of this section.

(b) For purposes of receiving the information described in paragraph (a) of this subsection, the office of the Secretary of State is a “criminal justice agency” under ORS 181.010 to 181.560 and 181.715 to 181.730 and the rules adopted under ORS 181.555.

(c) Upon submitting an application for registration described in subsection (2) of this section, an applicant is deemed to have given the consent necessary for purposes of this subsection.

(6)(a) A chief petitioner shall ensure that a criminal records check is conducted for each applicant seeking registration under this section to determine whether the applicant has been convicted of any of the crimes described in subsection (4)(a) of this section, or was subject to any of the penalties described in subsection (4)(b) and (c) of this section.

(b) The secretary by rule shall prescribe the scope of the criminal records check to be performed pursuant to this subsection. The applicant's criminal records check may be conducted by either the chief petitioner or the applicant.

(c) An applicant seeking registration under this section is required to have only one criminal records check conducted for each period beginning the day the applicant registers with the Secretary of State under this section and ending four months before the next general election.

(7) If a person receives money or other valuable consideration for obtaining signatures of electors on a state, **county, city or district** initiative, referendum or recall petition or a prospective petition for a state measure to be initiated and the person was not registered as required under this section at the time the signatures were obtained, the secretary, **county clerk or city elections officer** may not include any signatures obtained by the person in a count under ORS 250.045 (3), [or] 250.105, **250.215, 250.315 or 255.175** or ORS chapter 249 for purposes of determining whether the petition or prospective petition contains the required number of signatures of electors.

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

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

- (a) Be a conventional photograph with a plain background;
- (b) Show the face or the face, neck and shoulders of the applicant; and
- (c) Be prepared and processed for printing as prescribed by the secretary.

(10) A person registered under this section may not obtain signatures on a petition or prospective petition for which the person is being paid and, at

the same time, obtain signatures on a petition or prospective petition for which the person is not being paid. The secretary, **county clerk or city elections officer** may not include any signatures obtained in violation of this subsection in a count under ORS 250.045 (3), [or] 250.105, **250.215, 250.315 or 255.175** or ORS chapter 249 for purposes of determining whether a state, **county, city or district** initiative, referendum or recall petition or a prospective petition for a state measure to be initiated contains the required number of signatures of electors.

(11) 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 **or, unless otherwise provided by county ordinance, city ordinance or district ordinance, a county, city or district initiative, referendum or recall petition** shall register with the Secretary of State by:

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

(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

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

(A) Acknowledging that the individual has read and understands Oregon law applicable to the gathering of signatures on state, **county, city or district** 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

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

(12) The secretary shall adopt rules necessary to implement this section, including rules:

(a) Establishing procedures for registering persons or organizations or entities as described in this section; and

(b) Establishing a training program prescribed in subsection (1) of this

1 section.

2 **SECTION 2.** ORS 260.561 is amended to read:

3 260.561. (1)(a) If a chief petitioner of a statewide initiative or referendum  
4 petition, **or a chief petitioner of a county, city or district initiative or**  
5 **referendum petition who is required to register with the Secretary of**  
6 **State under ORS 250.048**, has knowledge of a violation of any provision of  
7 Oregon Revised Statutes, of any rule adopted by the Secretary of State under  
8 ORS chapters 246 to 260 related to the circulation of [*a statewide*] **an** initi-  
9 ative or referendum petition or [*section 1b,*] Article IV, **section 1 (2)(d) or**  
10 **(5) or 1b, or Article VI, section 10**, of the Oregon Constitution, committed  
11 by a person obtaining signatures on the chief petitioner's petition or pro-  
12 spective petition, the violation by the person obtaining signatures is con-  
13 clusively considered a violation by the chief petitioner.

14 (b) If a chief petitioner of a statewide initiative or referendum petition,  
15 **or a chief petitioner of a county, city or district initiative or referen-**  
16 **dum petition who is required to register with the Secretary of State**  
17 **under ORS 250.048**, has knowledge or should have had knowledge of a vio-  
18 lation of ORS 250.048, 260.262, 260.555, 260.558, 260.567, 260.575, 260.665,  
19 260.715 (1) or [*section 1b,*] Article IV, **section 1 (2)(d) or (5) or 1b, or Ar-**  
20 **ticle VI, section 10**, of the Oregon Constitution, or any rule adopted by the  
21 Secretary of State related to [*section 1b,*] Article IV, **section 1 (2)(d) or (5)**  
22 **or 1b, or Article VI, section 10**, of the Oregon Constitution, petition sheets  
23 or circulator training, registration or certification, committed by a person  
24 obtaining signatures on the chief petitioner's petition or prospective petition  
25 or a contractor or subcontractor, as defined in ORS 260.563, the violation by  
26 the person obtaining signatures or the contractor or subcontractor is con-  
27 clusively considered a violation by the chief petitioner.

28 (2) A chief petitioner is not liable under subsection (1) of this section if  
29 the chief petitioner notifies the Secretary of State in writing not later than  
30 one business day after the chief petitioner obtains knowledge of a potential  
31 violation. The notice shall state:

1 (a) That a potential violation has occurred;

2 (b) The nature of the potential violation; and

3 (c) All specific information known to the chief petitioner regarding the  
4 potential violation.

5 (3) If a statewide initiative or referendum petition has more than one  
6 chief petitioner, each chief petitioner who has knowledge or should have had  
7 knowledge may be held liable under subsection (1) of this section.

8 (4)(a) Subsection (1)(a) of this section does not apply to a violation of law  
9 that is subject to criminal penalty.

10 (b) A chief petitioner may not be held criminally liable under subsection  
11 (1)(b) of this section solely based on a violation committed by a person ob-  
12 taining signatures on the chief petitioner's petition or prospective petition  
13 or by a contractor or subcontractor.

14 **SECTION 3.** ORS 260.262 is amended to read:

15 260.262. (1) As used in this section, "accounts" means:

16 (a) Any contract entered into by a chief petitioner of an initiative or  
17 referendum petition relating to a state measure, **or a chief petitioner of a**  
18 **county, city or district initiative or referendum petition who is re-**  
19 **quired to register with the Secretary of State under ORS 250.048,** and  
20 any person for purposes of obtaining signatures on the initiative or referen-  
21 dum petition or on a prospective petition for a state measure to be initiated;

22 (b) Any employment manual or training materials provided to persons  
23 who obtain signatures on the petition or prospective petition;

24 (c) Payroll records for each employee obtaining signatures on the petition  
25 or prospective petition showing hours worked, number of signatures collected  
26 and amounts paid;

27 (d) Records identifying the amount and purpose of each payment made by  
28 the chief petitioner or any contractor, as defined in ORS 260.563, to any  
29 subcontractor, as defined in ORS 260.563, obtaining signatures on the peti-  
30 tion or prospective petition; and

31 (e) Copies of signature sheets circulated by persons who are being paid



to obtain signatures on the petition or prospective petition.

(2) For purposes of enforcing [section 1b,] Article IV, **section 1 (2)(d) or (5) or 1b, or Article VI, section 10**, of the Oregon Constitution, a chief petitioner of an initiative or referendum petition relating to a state measure, **or a chief petitioner of a county, city or district initiative or referendum petition who is required to register with the Secretary of State under ORS 250.048**, who pays any person money or other valuable consideration to obtain signatures on the petition or prospective petition shall keep detailed accounts. The accounts shall be current as of not later than the seventh calendar day after the date a payment is made to a person for obtaining signatures on the petition or prospective petition.

(3) The Secretary of State shall review the accounts of each chief petitioner described in subsection (2) of this section in the manner and according to a regular schedule adopted by the secretary by rule.

(4) In addition to the review conducted under subsection (3) of this section, the secretary, Attorney General or Commissioner of the Bureau of Labor and Industries may inspect the accounts of a chief petitioner described in subsection (2) of this section under reasonable circumstances at any time before the deadline for filing signatures on the petition or during the period specified for retention of the accounts under subsection (5) of this section. The right of inspection may be enforced by writ of mandamus issued by any court of competent jurisdiction.

(5) A chief petitioner must preserve the accounts pertaining to an initiative or referendum petition relating to a state measure, or to a prospective petition for a state measure to be initiated, for at least two years after the deadline for filing the petition for verification of signatures or at least two years after the date the last statement is filed under ORS 260.118, whichever is later.

(6) If a chief petitioner does not produce accounts under subsection (3) or (4) of this section:

(a) There is a rebuttable presumption that a violation of [section 1b,] Ar-

1 ticle IV, **section 1 (2)(d) or (5) or 1b, or Article VI, section 10**, of the  
2 Oregon Constitution, has occurred; and

3 (b) The chief petitioner may not obtain additional signatures on the pe-  
4 tition or prospective petition until the chief petitioner is able to supply the  
5 accounts to the secretary, Attorney General or commissioner.

6 (7) Accounts are not subject to disclosure under ORS 192.410 to 192.505.

7 **SECTION 4.** ORS 260.563 is amended to read:

8 260.563. (1) As used in this section:

9 (a) “Contractor” means a person who contracts on predetermined terms  
10 with a chief petitioner[, *or a person acting on behalf of a chief petitioner, of*  
11 *an initiative or referendum petition or a prospective petition for a state meas-*  
12 *ure to be initiated*] **of an initiative or referendum petition or a prospec-**  
13 **tive petition for a state measure to be initiated, or the chief petitioner**  
14 **of a county, city or district initiative or referendum measure who is**  
15 **required to register with the Secretary of State under ORS 250.048**, for  
16 the purpose of obtaining signatures on the petition or prospective petition.

17 (b) “Subcontractor” means a person who contracts on predetermined terms  
18 with a contractor for the purpose of obtaining signatures on an initiative  
19 or referendum petition or a prospective petition for a state measure to be  
20 initiated, **or a county, city or district initiative or referendum measure**  
21 **for which the chief petitioner is required to register with the Secretary**  
22 **of State under ORS 250.048**, and who has no direct contractual relationship  
23 with a chief petitioner or other person acting on behalf of a chief petitioner.

24 (2) If a contractor has knowledge or should have had knowledge of a vi-  
25 olation of ORS 250.048, 260.555, 260.558, 260.567, 260.575, 260.665 or 260.715 (1)  
26 or [*section 1b,*] **Article IV, section 1 (2)(d) or (5) or 1b, or Article VI,**  
27 **section 10**, of the Oregon Constitution, or any rule adopted by the Secretary  
28 of State related to [*section 1b,*] **Article IV, section 1 (2)(d) or (5) or 1b, or**  
29 **Article VI, section 10**, of the Oregon Constitution, petition sheets or  
30 circulator training, registration or certification, by a subcontractor, the vi-  
31 olation by the subcontractor is conclusively considered a violation by the

contractor.

(3) A contractor is not liable under subsection (2) of this section if the contractor notifies the Secretary of State in writing not later than one business day after the contractor obtains knowledge of a potential violation.

The notice shall state:

(a) That a potential violation has occurred;

(b) The nature of the potential violation; and

(c) All specific information known to the contractor regarding the potential violation.

(4) A contractor may not be held criminally liable under this section solely based on a violation committed by a subcontractor.

**SECTION 5.** ORS 250.165 is amended to read:

250.165. (1) Before circulating a petition to initiate or refer a county measure, the petitioner shall file with the county clerk a prospective petition. The county clerk immediately shall date and time stamp the prospective petition, and specify the form on which the petition shall be printed for circulation. The clerk shall retain the prospective petition.

(2) The cover of an initiative or referendum petition shall designate the name and residence address of not more than three persons as chief petitioners and shall contain instructions for persons obtaining signatures of electors on the petition. The instructions shall be adopted by the Secretary of State by rule. The cover of a referendum petition shall contain the title described in ORS 250.175 (1). If the circuit court has not reviewed the ballot title under ORS 250.195, the cover of an initiative petition shall contain the ballot title described in ORS 250.175 (3). If the circuit court has reviewed the ballot title, the cover of the initiative petition shall contain the title certified by the court.

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

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

(a) Any person is being paid for obtaining signatures, when the statement included with the prospective petition declared that no such person would be paid.

(b) No person is being paid for obtaining signatures, when the statement included with the prospective petition declared that one or more such persons would be paid.

(4)(a) Each sheet of signatures on an initiative petition shall contain the caption of the ballot title. Each sheet of signatures on a referendum petition shall contain the number of the ordinance or resolution to be referred, if any, and the date it was adopted by the county governing body.

(b) Each sheet of signatures on an initiative or referendum petition shall, if one or more persons will be paid for obtaining signatures of electors on the petition, contain a notice stating: "Some Circulators For This Petition Are Being Paid."

(5) The reverse side of the cover of an initiative or referendum petition shall be used for obtaining signatures on an initiative or referendum petition.

(6) Not more than 20 signatures on the signature sheet of the initiative or referendum petition shall be counted. The circulator shall certify on each signature sheet that the circulator:

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

(b) Believes each individual is an elector registered in the county.

(7) Unless otherwise provided by a county ordinance[,]:

(a) The gathering of signatures on a petition to initiate a county measure may not exceed a period of two years from the time the petition is approved for circulation.

**(b)(A) Once every month, the chief petitioner, or an agent on behalf**

of the chief petitioner, of an initiative petition relating to a county measure shall file with the county clerk all signature sheets containing signatures of electors that a person being paid to obtain signatures on the petition has obtained since the previous monthly filing. The clerk shall hold all signature sheets filed under this paragraph unless the chief petitioner withdraws the petition.

(B) The Secretary of State shall adopt rules prescribing the dates by which signature sheets must be filed each month. The county clerk may not accept, for purposes of determining whether an initiative petition relating to a county measure contains the required number of signatures of electors under this section, signature sheets containing signatures of electors that a person being paid to obtain signatures on the petition obtained before the previous monthly filing deadline described under this paragraph.

(8) A county clerk may not accept for filing any petition which has not met the provisions of subsection (7) of this section.

(9) A petition to initiate a county measure must be filed not less than 90 days before the election at which the proposed law is to be voted on.

(10) The person obtaining signatures on the petition shall carry at least one full and correct copy of the measure to be initiated or referred and shall allow any person to review a copy upon request of the person.

**SECTION 6.** ORS 250.265 is amended to read:

250.265. (1) Before circulating a petition to initiate or refer a city measure, the petitioner shall file with the city elections officer a prospective petition. The officer immediately shall date and time stamp the prospective petition, and specify the form on which the petition shall be printed for circulation. The officer shall retain the prospective petition.

(2) The cover of an initiative or referendum petition shall designate the name and residence address of not more than three persons as chief petitioners and shall contain instructions for persons obtaining signatures of electors on the petition. The instructions shall be adopted by the Secretary

1 of State by rule. The cover of a referendum petition shall contain the title  
2 described in ORS 250.275 (1). If the circuit court has not reviewed the ballot  
3 title under ORS 250.296, the cover of an initiative petition shall contain the  
4 ballot title described in ORS 250.275 (3). If the circuit court has reviewed the  
5 ballot title, the cover of the initiative petition shall contain the title certi-  
6 fied by the court.

7 (3) The chief petitioners shall include with the prospective petition 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 initiative  
10 or referendum petition. After the prospective petition is filed, the chief  
11 petitioners shall notify the filing officer 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 statement  
15 included with the prospective petition declared that no such person would  
16 be paid.

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

20 (4)(a) Each sheet of signatures on an initiative petition shall contain the  
21 caption of the ballot title. Each sheet of signatures on a referendum petition  
22 shall contain the number of the ordinance or resolution to be referred, if any,  
23 and the date it was adopted by the city governing body.

24 (b) Each sheet of signatures on an initiative or referendum petition shall,  
25 if one or more persons will be paid for obtaining signatures of electors on  
26 the petition, contain a notice stating: "Some Circulators For This Petition  
27 Are Being Paid."

28 (5) The reverse side of the cover of an initiative or referendum petition  
29 shall be used for obtaining signatures on an initiative or referendum peti-  
30 tion.

31 (6) Not more than 20 signatures on the signature sheet of the initiative

or referendum petition shall be counted. The circulator shall certify on each signature sheet that the circulator:

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

(b) Believes each individual is an elector registered in the city.

(7) Unless otherwise provided by a city ordinance[,];

(a) The gathering of signatures on a petition to initiate a city measure may not exceed a period of two years from the time the petition is approved for circulation.

**(b)(A) Once every month, the chief petitioner, or an agent on behalf of the chief petitioner, of an initiative petition relating to a city measure shall file with the county clerk all signature sheets containing signatures of electors that a person being paid to obtain signatures on the petition has obtained since the previous monthly filing. The clerk shall hold all signature sheets filed under this paragraph unless the chief petitioner withdraws the petition.**

**(B) The Secretary of State shall adopt rules prescribing the dates by which signature sheets must be filed each month. The county clerk may not accept, for purposes of determining whether an initiative petition relating to a city measure contains the required number of signatures of electors under this section, signature sheets containing signatures of electors that a person being paid to obtain signatures on the petition obtained before the previous monthly filing deadline described under this paragraph.**

(8) A city elections officer may not accept for filing any petition which has not met the provisions of subsection (7) of this section.

(9) A petition to initiate a city measure must be filed not less than 90 days before the election at which the proposed law is to be voted on.

(10) The person obtaining signatures on the petition shall carry at least one full and correct copy of the measure to be initiated or referred and shall allow any person to review a copy upon request of the person.

**SECTION 7.** ORS 255.135 is amended to read:

255.135. (1) Before circulating a petition to initiate or refer a district measure, the petitioner shall file with the elections officer a prospective petition. The elections officer immediately shall date and time stamp the prospective petition, and specify the form on which the petition shall be printed for circulation. The officer shall retain the prospective petition.

(2) The cover of an initiative or referendum petition shall designate the name and residence address of not more than three persons as chief petitioners and shall contain instructions for persons obtaining signatures of electors on the petition. The instructions shall be adopted by the Secretary of State by rule. The cover of a referendum petition shall contain the title described in ORS 255.145 (1). If the circuit court has not reviewed the ballot title under ORS 255.155, the cover of an initiative petition shall contain the ballot title described in ORS 255.145 (3). If the circuit court has reviewed the ballot title, the cover of the initiative petition shall contain the title certified by the court.

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

(a) Any person is being paid for obtaining signatures, when the statement included with the prospective petition declared that no such person would be paid.

(b) No person is being paid for obtaining signatures, when the statement included with the prospective petition declared that one or more such persons would be paid.

(4)(a) Each sheet of signatures on an initiative petition shall contain the caption of the ballot title. Each sheet of signatures on a referendum petition



1 shall contain the number of the ordinance to be referred and the date it was  
2 adopted by the district board.

3 (b) Each sheet of signatures on an initiative or referendum petition shall,  
4 if one or more persons will be paid for obtaining signatures of electors on  
5 the petition, contain a notice stating: "Some Circulators For This Petition  
6 Are Being Paid."

7 (5) The reverse side of the cover of an initiative or referendum petition  
8 shall be used for obtaining signatures on an initiative or referendum peti-  
9 tion.

10 (6) Not more than 20 signatures on the signature sheet of the initiative  
11 or referendum petition shall be counted. The circulator shall certify on each  
12 signature sheet that the circulator:

13 (a) Witnessed the signing of the signature sheet by each individual whose  
14 signature appears on the signature sheet; and

15 (b) Believes each individual is an elector registered in the district.

16 (7) Unless otherwise provided by a district ordinance[,]:

17 (a) The gathering of signatures on a petition to initiate a district measure  
18 may not exceed a period of two years from the time the petition is approved  
19 for circulation.

20 (b)(A) **Once every month, the chief petitioner, or an agent on behalf**  
21 **of the chief petitioner, of an initiative petition relating to a district**  
22 **measure shall file with the county clerk all signature sheets contain-**  
23 **ing signatures of electors that a person being paid to obtain signatures**  
24 **on the petition has obtained since the previous monthly filing. The**  
25 **clerk shall hold all signature sheets filed under this paragraph unless**  
26 **the chief petitioner withdraws the petition.**

27 (B) **The Secretary of State shall adopt rules prescribing the dates**  
28 **by which signature sheets must be filed each month. The county clerk**  
29 **may not accept, for purposes of determining whether an initiative pe-**  
30 **tion relating to a district measure contains the required number of**  
31 **signatures of electors under this section, signature sheets containing**

**signatures of electors that a person being paid to obtain signatures on the petition obtained before the previous monthly filing deadline described under this paragraph.**

(8) The elections officer may not accept for filing any petition that has not met the provisions of subsection (7) of this section.

(9) A petition to initiate a district measure must be filed not less than 90 days before the election at which the proposed law is to be voted on.

(10) The person obtaining signatures on the petition shall carry at least one full and correct copy of the measure to be initiated or referred and shall allow any person to review a copy upon request of the person.

**SECTION 8.** ORS 260.368 is amended to read:

260.368. For the purpose of investigating violations of [*section 1b*,] Article IV, **section 1 (2)(d) or (5) or 1b, or Article VI, section 10**, of the Oregon Constitution, the Secretary of State, Attorney General, [*and*] Commissioner of the Bureau of Labor and Industries, **county clerk and city elections officer** may cooperate and share information as considered necessary by the secretary, Attorney General, [*or*] commissioner, **county clerk or city elections officer**.

**SECTION 9.** ORS 260.995 is amended to read:

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

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

(a) \$1,000 plus the amount converted to personal use for each violation of ORS 260.407; or

(b) \$10,000 for each violation of ORS 260.555, 260.558, 260.575, 260.695 (1)

or 260.715 (1) or [section 1b,] Article IV, **section 1 (2)(d) or (5) or 1b, or Article VI, section 10**, of the Oregon Constitution.

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

(a) A statement of the authority and jurisdiction under which the hearing is to be held; and

(b) If the person is an agency, corporation or an unincorporated association, a statement that such person must be represented by an attorney licensed in Oregon, unless the person is a political committee which may be represented by any officer identified in the most recent statement of organization filed with the filing officer.

(4) A hearing on whether to impose a civil penalty and to consider circumstances in mitigation shall be held by the secretary or Attorney General:

(a) Upon request of the person against whom the penalty may be assessed, if the request is made not later than the 20th day after the date the person received notice sent under subsection (3) of this section; or

(b) Upon the secretary's or Attorney General's own motion.

(5) The person against whom a penalty may be assessed need not appear in person at a hearing held under this section, but instead may submit written testimony or other evidence, sworn to before a notary public, to the secretary or Attorney General for entry in the hearing record. The testimony or other evidence must be received by the secretary or Attorney General not later than three business days before the day of the hearing.

(6) All hearings under this section shall be held not later than 45 days after the deadline for the person against whom the penalty may be assessed to request a hearing. However, if requested by the person against whom the penalty may be assessed, a hearing under subsection (4) of this section shall be held not later than 60 days after the deadline for the person against whom the penalty may be assessed to request a hearing.

(7) The secretary or Attorney General shall issue an order not later than

1 90 days after a hearing or after the deadline for requesting a hearing if no  
2 hearing is held.

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

5 (9) In the case of a civil penalty imposed under this section for a violation  
6 of ORS 260.407, the person against whom the penalty is assessed:

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

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

9 (c) May not pay the civil penalty from contributions received by a can-  
10 didate, a candidate's principal campaign committee, a political committee or  
11 a petition committee.

12 **SECTION 10. The amendments to ORS 250.048, 250.165, 250.265,**  
13 **255.135, 260.262, 260.368, 260.561, 260.563 and 260.995 by sections 1 to 9 of**  
14 **this 2015 Act first apply:**

15 (1) To initiative petitions for which a prospective petition is filed  
16 on or after the effective date of this 2015 Act; and

17 (2) To referendum petitions to refer county, city or district ordi-  
18 nances adopted on or after the effective date of this 2015 Act.

19 **SECTION 11. This 2015 Act being necessary for the immediate**  
20 **preservation of the public peace, health and safety, an emergency is**  
21 **declared to exist, and this 2015 Act takes effect on its passage.**