



**Testimony of Kimberly McCullough, Policy Director
In Support of SB 761
Senate Rules Committee
March 13, 2019**

Chair Burdick and Members of the Committee:

The American Civil Liberties Union of Oregon¹ supports SB 761, which would provide clarity in our law around the proper use of e-sheets, reducing the risk that they will be used in a manner that is inconsistent with the laws this legislature has put in place to ensure the integrity of the petition circulation and signature gathering system.

As an organization with a deep commitment to the First Amendment rights of Oregonians to petition their government and fully participate in democracy, we have engaged with this legislature many times on elections issues and the initiative petition process. And over the years, we have worked with this body and various Secretary of States to ensure that the signature gathering process for initiative petitions is free of fraud and abuse.

To provide a few examples of the reforms that have been implemented, we currently have laws that require:

- A petition circulator's signature and the date that petition was circulated must be listed at the bottom of the sheet;
- Mandatory anti-fraud training for the paid circulators;
- The full text of the measure must be stapled to signature sheets; and
- Colored forms must be used for paid gatherers.

These reforms allow campaigns and the Secretary of State's office to know when, where, and who gathered a signature, which in turn creates the opportunity to address potential problems.

Single signer electronic petition sheets, or e-sheets, were initially created to more easily allow rural Oregonians to participate in the initiative process, which is a laudable goal and

¹ The American Civil Liberties Union of Oregon (ACLU of Oregon) is a nonpartisan, nonprofit organization dedicated to preservation and enhancement of civil liberties and civil rights, with more than 45,000 members and supporters statewide.

something we appreciate. Understanding that the majority of paid and volunteer signature gatherers focus on population centers and are therefore more rarely found in rural communities, e-sheets were created to allow a person to take individual action to support an initiative petition without having to track a member of the campaign down and sign a signature sheet.

However, at the time e-sheets were created, there wasn't a huge amount of conversation about how to ensure they would not compromise the rules we put in place for signature gatherers. And since e-sheets came in to existence, we have heard some troubling reports about their use. For example:

- Stacks of e-sheets being set out on a table or handed out to attendees at public events and gatherings;
- Paid or volunteer gatherers using e-sheets instead of the certified ten-signature sheets; and
- Mass circulation through a newsletter.

Each of these scenarios creates a serious run-around of our current rules around signature gathering. This leads us to believe that we need clearer rules about how e-sheets are intended to be used, along with a method of ensuring accountability when the rules are circumvented. The bill includes penalties, and we believe some penalties are necessary to ensure that the rules are followed.

To be clear, this bill is not aimed at preventing Oregonians from taking action to petition their government or to engage on issues they care about. Those are things we believe in and support. Instead, this is simply about ensuring that e-sheets promote engagement with the initiative petition process without creating weakness in the rules campaigns must follow to ensure integrity in our elections process.

For these reasons, the ACLU of Oregon urges you to support SB 761. Please feel free to contact us if you have any questions, comments, or concerns.