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ELECTIONS — (503) 986-1518

Date: August 2, 2007  
To: All Chief Petitioners  
From:  John Lindback, Elections Division Director  
Re: Changes to Initiative and Referendum laws

Attached for your information is a fact sheet regarding changes to state and local initiative and referendum laws adopted this year by the Oregon Legislative Assembly and signed into law by Governor Kulongoski on July 31, 2007.

I encourage you to read the fact sheet carefully because the effective dates of the provisions vary, although most take effect on January 1, 2008.

As many of you are aware, one of the provisions requires that, as of January 1, 2008, paid circulators receive training before they begin circulating and that each circulator register with the Secretary of State's Office. This will be accomplished by electronic transmission of the training via the internet or the Elections Division will make the training available on CDs and distribute it at no charge to companies or firms that employ circulators.

We hope to have a draft of the training CD available soon for review. If you would like to review it and comment on the draft, please contact Summer Davis or Carla Corbin at 503-986-1518. Please contact our office at that number if you have questions about any other subjects covered in the fact sheet.



## Changes to Oregon Initiative, Referendum and Recall Laws

August 2, 2007

The 2007 Legislature passed HB 2082, making significant changes to the petition process. The majority of these changes take effect January 1, 2008. Listed below are the major changes contained within the bill. Effective dates other than January 1, 2008, are noted.

### Training and Registration

- All persons being paid to circulate a state initiative, referendum or recall petition must register with the Secretary of State no later than January 1, 2008. Any signatures that are collected after January 1, 2008, but before the person registers with the Secretary of State, will be rejected.
- Prior to registering all paid circulators must complete the Secretary of State's on-line training program.
- Both the registration process and training program will be available no later than December 1, 2007.
- All paid circulators are required to carry official evidence of registration, which will be provided by the Secretary of State. This evidence will include a photograph, which the circulator will provide during the registration process.
- Chief petitioners will be required to acknowledge on the Chief Petitioner Acknowledgement form (SEL 309) that they are responsible for violations of law or rule committed by any paid circulator in their employ, either directly or indirectly.
- Any paid circulator who has been convicted of a criminal offense involving fraud, forgery or identification theft within the last five years will be prohibited from gathering signatures after January 1, 2008.

### Petition Circulation

- For any petition that receives a final ballot title after January 1, 2008, the Secretary of State will provide signature sheet templates to the chief petitioner or their authorized agent. This should save chief petitioners considerable time because they no longer have to prepare templates themselves.
- Signature sheets that are to be used exclusively by volunteer circulators, even within a paid petition, will be a single color. The volunteer sheet will be the same color for all petitions.
- 1,000 sponsorship signatures will be required on any petition filed for the 2010 General Election that is filed after January 1, 2008. These 1,000 signatures will be included with any signatures submitted for verification.
- As of January 1, 2008, it is no longer required that all signatures on a single sheet be from registered voters residing within the same county.
- For all circulation that occurs after January 1, 2008, signature sheets will no longer be required to be separated by county. When submitting signature sheets for verification chief petitioners will be required to separate signature sheets by circulator.
- The circulators witnessing language has been updated for all petition types. The circulator must now attest that they witnessed the signing of the signature sheet by each individual whose signature appears on the signature sheet and that they believe each individual is an elector.

- Circulators are prohibited as of January 1, 2008, from writing, altering, correcting, clarifying or obscuring on the signature sheet any information about the person who signed it, unless the person has a disability and requests assistance in filling out the information, or the person signing the petition initials the changes. These prohibitions are effective July 31, 2007 for all recall petitions, nominating petitions or certificates of nominations which are being circulated on or after the effective date.

### **Campaign Finance**

- The Secretary of State becomes the filing officer for all local chief petitioner committees. Local chief petitioners will be required to file a Statement of Organization.
- Campaign finance reporting for both state and local chief petitioner committees will be done electronically. The filing of all transactions will be done via the Internet using the Election Division's ORESTAR campaign finance reporting system, which is used by all other political committees in Oregon. This system is available free-of-charge to all committees and allows committees to file and amend Statements of Organization, as well as file and amend campaign finance transactions. More information on ORESTAR will be sent to committees at a later date.

### **Miscellaneous**

- Effective July 31, 2007 chief petitioners who intend to submit signatures for verification not later than July 3, 2008, are required to maintain "accounts." Additionally for any prospective petition filed after July 31, 2007 chief petitioners are required to maintain accounts. Accounts consist of any paperwork documenting contracts between chief petitioners and signature gathering companies, payroll records, employment manuals, copies of signature sheets etc. See enclosed House Bill 2082 for a full definition.
- These accounts shall be made available for review by the Secretary of State. If a chief petitioner is unable to produce the required accounts, they are prohibited from obtaining additional signatures on their petition until they are able to produce the documents.
- If a contractor has knowledge of a reported violation committed by a subcontractor, the violation by the subcontractor will be considered a violation by the contractor. If the contractor reports the potential violation in writing to the Secretary of State not later than one business day after obtaining knowledge of the potential violation, the contractor will not be held liable. Contractor means a person who contracts with a chief petitioner or agent of a chief petitioner to gather signatures on a petition. Subcontractor means a person who contracts with a contractor to gather signatures on an initiative or referendum petition who has no direct contractual relationship with the chief petitioners or their agent.
- Any chief petitioner committee that has received contributions or made expenditures in excess of \$2,000 from the time the Statement of Organization for Chief Petitioner Committee (SEL 222) was filed through September 1, 2007, a September Initiative Drive Report is due. The report is due no later than 5pm, September 10, 2007.
- All initiatives or referenda that have received approval to circulate prior to January 1, 2008, are required to turn in all signature sheets gathered prior to January 1, 2008 to the Elections Division no later than 5:00 pm January 4, 2008. This early turn in is required for all initiative or referendum petitions that have gathered any signatures. Prior to turning in signature sheets, chief petitioners must sort these sheets by county and sequentially number each sheet within each county. These signatures will be processed under the laws and procedures used prior to passage of the new law. Initiatives and referenda who have received approval to circulate so far, and are therefore affected by this provision of HB 2082, are: 2, 3, 7, 8, 13, 19, 20, 21, 22, 23, 24, 25, 32, 35, 36, 37, 38, 40, 41, 44, 51, 53, 54, 67, 78 and 81.

If you have further questions please contact the Elections Division at 503-986-1518.