

BILL BRADBURY
SECRETARY OF STATE



JOHN LINDBACK
DIRECTOR

141 STATE CAPITOL
SALEM, OREGON 97310-0722

ELECTIONS — (503) 986-1518

January 5, 2005

To All Interested Parties:

Secretary of State Bill Bradbury is responsible for the pre-election review of proposed initiative petitions for compliance with the procedural constitutional requirements established in the Oregon Constitution for initiative petitions. This review will be completed before approving the form of the cover and signature sheets for the purpose of circulating the proposed initiative petition to gather signatures.

The Secretary of State is seeking public input on whether proposed initiative petition (#15), satisfies the procedural constitutional requirements for circulation as a proposed initiative petition. Petition #15 was filed in our office on January 4, 2005, by Bill Sizemore and Grace I. Sizemore, for the General Election of November 7, 2006.

On the reverse side of this letter is a copy of the text of this proposed initiative petition. If you are interested in providing comments on whether the proposed initiative petition meets the procedural constitutional requirements, please write to the secretary at the Elections Division in the State Capitol. Your comments, if any, must be received by the Elections Division no later than January 27, 2005, in order for them to be considered in the review.

BILL BRADBURY
Secretary of State

BY:

Carla Corbin
Compliance Specialist

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OREGON:

THE CONSTITUTION OF THE STATE OF OREGON IS HEREBY AMENDED BY ADDING THE FOLLOWING SECTION:

Section 1. No public employer shall deduct or allow to be deducted from the paycheck of an employee, any money that shall be used for a political purpose, unless the employer has on file current, written authorization from each employee from which the political monies will be collected.

- (a) For purposes of this section, money shall be deemed used for a political purpose if any portion of the money, including in-kind contributions, pass-through contributions, and independent expenditures, is contributed to a candidate or political committee or party, or is spent supporting or opposing a candidate for public office or a ballot measure, including any effort to collect signatures to place a measure on the ballot, and any efforts to solicit signatures for initiative petitions or to discourage electors from signing initiative petitions.
- (b) For purposes of this section, money spent lobbying an elected official shall not be deemed used for a political purpose. So as to prevent political campaigning under the guise of "lobbying," money spent on or contributed to any direct mail, print, or electronic media or other campaign, which names or otherwise identifies a person who is a candidate for public office in an election to be held within 90 days of the communication, shall be deemed used for a political purpose.
- (c) For purposes of this section, current, written permission shall only be deemed to have been granted by the employee, if the authorization was granted by the employee freely and renewed annually on a form used exclusively for this purpose. The state legislative assembly shall establish safeguards to insure that no personal information, the revealing of which might endanger the privacy or safety of an employee, is contained on the form or made available to the public.
- (d) If a person, company, or organization, without the aforementioned employee authorization, uses for a political purpose money collected for it by means of payroll deduction from the employee's paycheck, the person, company, or organization shall pay to the state treasury a civil penalty equal to double the amount of all money spent in violation of this section, and in addition shall refund to each employee double the amount of his or her money, which was used for a political purpose in violation of this section, plus attorney fees and costs expended to recover the funds.
- (e) Entities using the payroll deduction process to collect money to be used for a political purpose shall maintain at all times one or more segregated accounts for such funds and shall not commingle political funds with other funds.
- (f) If it is found that a person, company, or organization, which collects or receive money by means of a public payroll system, has spent or commingled money in violation of this section, that entity shall not be allowed thereafter to use a public payroll system to collect any funds whatsoever. If a court of competent jurisdiction finds that such a person, company, or organization violated this section, but that the amount of money improperly commingled or used for a political purpose was insignificant or that the offence was entirely inadvertent, and that the violation was the entity's first known violation of this section, the court may waive the penalty imposed in this subsection (e).
- (g) Nothing in this section shall be construed as authorizing payroll deductions for political purposes, if the practice is prohibited by Oregon law.
- (g) If any phrase, clause, or part of this section is invalidated by a court of competent jurisdiction, the remaining phrases, clauses, and parts shall remain in full force and effect. This section shall not be applied so as to violate the right to free speech, freedom of association, or any other right guaranteed under the U.S. Constitution, but shall be effective in all circumstances and for all individuals and groups for which no violation or infringement has been found.

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