

BILL BRADBURY
SECRETARY OF STATE



ELECTIONS DIVISION
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ELECTIONS — (503) 986-1518

September 10, 2007

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 (#134), satisfies the procedural constitutional requirements for circulation as a proposed initiative petition. Petition #134 was filed in our office on September 7, 2007, by Glenn Pelikan, Shahriyar Smith and Laura Janssen, for the General Election of November 4, 2008.

Enclosed 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 October 1, 2007, in order for them to be considered in the review.

BILL BRADBURY
Secretary of State

BY:

Carla Corbin
Compliance Specialist

Section 1. (a) The People of Oregon are proud of their heritage, in which Oregon led the nation 100 years ago in establishing initiative, referendum, and recall rights. In recent years, the initiative, referendum, and recall system has been under assault from political elites and special interests, who show disdain for the power of the people to have the final say, when the people so choose, as to the rules which govern our state and as to those elected to represent the people. In order to improve and strengthen the initiative, referendum, and recall process so as to better respect the opportunity of citizens to carry out initiatives, referenda, and recalls, this Act is enacted by the people. This Act shall be known as the Oregon Initiative Restoration Act. It shall be interpreted generously, in favor of the right of the people to circulate petitions, exchange ideas, engage in political speech, decide their own affairs, and determine who represents them.

(b) The people of Oregon hereby give notice to all elected officials, especially the Legislative Assembly, that the initiative, referendum, and recall process belongs to the people, and reflects the right of the people to decide issues and determine whether elected officials remain in office. Elected officials shall not establish laws or rules which make it more difficult or expensive for the people to be heard through the petition process.

(c) This Act strengthens the significance of a voter's signature; protects the petition process from interference by government officials; forbids prior restraints on free speech activity of petition circulators; prohibits persons convicted of identity theft, forgery, and certain other crimes from circulating petitions; establishes mandatory minimum sentences of incarceration for persons intentionally writing multiple false signatures on petitions; provides for internet participation in the petition process; clarifies petition forms and instructions for circulators and signers; allows for consideration of photocopies where originals are stolen or damaged; allows initiatives and referenda to be voted upon in primary elections as well as general elections; modifies signature sampling standards to make them fairer; requires all signatures to be counted where sampling is close; establishes standards for the volunteer or employment status of petition circulators; restricts legislative use of Emergency Clauses where such use may eliminate the right of referendum on a bill which hampers petition rights; facilitates understanding of ballot titles by allowing use of additional words; reduces opportunities to delay petitions through ballot title court cases; and prohibits public agencies from advocating as to the merits of a petition.

(d) It is the intention of the people that the petition process be an opportunity to assure that a reasonable number of concerned citizens support bringing a matter to a vote before such matter is placed on the ballot. The final decision rests in the hands of the affected voters at the time they cast their ballots in the election itself. Accordingly, laws and rules relating to the petition process should be generously construed in favor of allowing an initiative, referendum, or recall to be presented to the final decision-makers: the voters. This Act favors a fair, honest, balanced, and simple opportunity for the people to have their say, and disfavors hyper-technical statutory or rules interpretations designed to prevent the voters from having the final say. Oregon's public officials and judges shall keep these values in mind when administering and adjudicating all laws affecting the petition process.

(e) In determining whether a sufficient number of registered voters have signed a petition, the first focus should be on the voter registration status of the signer. Yet the petition process is fluid and covers more time than a specific election. So long as the signer is a registered voter in the appropriate jurisdiction (state, city, county, or other political subdivision of the state, as applied to a given petition), it does not matter if the voter has changed residence within that jurisdiction or if the voter dies or departs from that jurisdiction after signing the petition. If the

signer registers to vote within the jurisdiction covered by the petition within 10 calendar days after signing the petition, the signature shall be counted.

(f) Any error, omission, illegal, or improper act by a circulator shall not be cause for refusing to count an otherwise valid signature of a voter on a petition unless it is established that the voter intentionally engaged in fraud, deception, or other illegal activity relating to the petition.

Section 2. As used in this Act:

(a) "Chief petitioners" means one to five persons who are designated as chief petitioners on the documents filed to begin the process as to an initiative, referendum or recall. The chief petitioners are the legal representatives of the petition effort. If any disagreement arises among chief petitioners, the chief petitioners shall decide the matter by majority vote. The chief petitioners may add or subtract any person from their group by written notice to the filing officer, signed by the chief petitioners, so long as there remains at least one chief petitioner and no more than five chief petitioners on a given petition. The chief petitioners shall be registered voters of the state, or the city, county, or district affected by the petition. It is not necessary for any of the original chief petitioners to remain as such. If, through death, disability, or resignation, no chief petitioner remains before a petition has been voted on, the Secretary of State shall designate five chief petitioners from among the electors who signed as sponsors. Whenever there is a change of chief petitioners, any newly-issued petition sheets shall show the change, but old petition sheets remain valid.

(b) "Circulator" means a person who presents a petition signature sheet to another person to sign.

(c) "Filing officer" means, as appropriate in context, the Secretary of State, county clerk, city clerk, or other person designated to receive or file a petition on behalf of the appropriate public entity.

(d) "Petition" means any initiative, referendum, or recall petition for the state, a county, a city, or any other political subdivision of the state, as appropriate.

(e) "Public agency or public official" means: The state of Oregon, any agency or instrumentality of the state, any political subdivision of the state, any agency or instrumentality of any political subdivision of this state, and any person acting in any governmental capacity whatsoever. The term "public agency or public official" is meant to be broad and all-inclusive of any enterprise or person acting in any public capacity.

(f) "Secretary" means the Oregon Secretary of State or any official acting under the authority of the Secretary of State.

(g) "Sponsors" means the 25 or more Oregon voters who sign an initial sponsorship petition, filed by the chief petitioners, to begin the initiative process.

Section 3. a. No public agency or public official of this state shall impose any of the following restrictions on a chief petitioner or a circulator:

1. requiring the person to register as a circulator;
2. requiring the person to undergo education, training, or any other form of indoctrination in order to circulate any petition;
3. requiring the person to submit a listing of the petition(s) the person intends to circulate;
4. requiring the person to submit a signature sample, photograph, or any other documentation;
5. requiring the person to describe any element of personal history;
6. restricting the person from circulating a petition for any reason which is not specifically stated in this Act.

b. The restrictions against submission of identification and signature samples do not apply in any case where the District Attorney or Attorney General, as appropriate, authorizes an investigation or prosecution as to a specific circulator or chief petitioner for alleged criminal activity regarding circulation of a petition.

c. The provisions of parts (a)(1) and (a)(3) of this Section do not apply to requirements as to filing documents which apply to chief petitioners in the filing and maintaining of a petition.

d. The Secretary shall review any complaint regarding the petition circulation process and make an initial determination that the complaint involves a possible substantial violation of law, and is not frivolous, before asking for an explanation or response from chief petitioners and before initiating any full investigation. The Secretary shall resolve any complaint regarding the petition circulation process within 60 days of receipt of the complaint; the Secretary may extend the investigation beyond 60 days by issuing a written statement describing circumstances which require additional time for investigation.

Section 4. (a) No person may circulate a petition if the person has been convicted of the following crimes:

1. identity theft, forgery in the first or second degree, fraudulently obtaining a signature, or fraudulent use of a credit card, as defined in ORS 165.007, 165.013, 165.042, 165.055, and 165.800;

2. felony crimes as to illegal acts, under ORS 260.555, relating to circulation, filing, or certification of an initiative, referendum, or recall petition.

(b) This prohibition on circulating a petition also applies to any person convicted in any other jurisdiction for any crime comparable to the Oregon crimes listed in subsection (a) of this section.

Section 5. (a) A person who is convicted of intentionally writing twenty or more false signatures on a petition, in violation of ORS 260.555, shall be subject to the following mandatory minimum sentences of incarceration based on the number of false signatures established in the criminal proceeding:

1. Twenty to 199 false signatures: 30 days

2. Two hundred to 499 false signatures: 60 days

3. Five hundred or more false signatures: one year.

(b) The mandatory minimum term of incarceration under this section shall not be reduced for any reason, whatsoever. The mandatory minimum sentence of incarceration does not prevent the sentencing court from imposing terms of probation, monetary fines, a higher sentence of incarceration, or any other sanction allowed by law, in addition to the mandatory minimum terms of incarceration.

(c) The state shall reimburse the county for the county's actual cost of incarceration, including pretrial incarceration, for any person sentenced under this section.

Section 6. a. The signature of any registered voter on any petition is self-validating if the signature is accompanied by the date of signing, the printed name of the voter, and the residence address of the voter. No other validation shall be required unless it appears that the signature does not reasonably reflect the voter's intent to sign the petition.

b. Each petition shall contain a section where a petition circulator shall sign the following statement: "I verify that the above-named persons signed this petition in my presence and that I believe such persons to be registered to vote in Oregon." If the circulator signs such statement and gives the circulator's printed name and a contact address, each voter's signature on the sheet shall be presumed valid, absent clear and convincing evidence to the contrary. If the circulator does not sign the statement and provide the required information, each voter's signature on the sheet shall be presumed valid, absent a preponderance of evidence to the contrary.

c. Each petition sheet shall designate the jurisdiction covered by the petition (state, county, city, or other political subdivision). Any registered voter from within such jurisdiction may sign any such petition sheet. There shall be no requirement that all signers on a petition sheet must be from a particular subdivision of the jurisdiction (for example, there shall be no requirement that signers of a state petition sheet must be from one county).

d. When a question arises as to whether a signature is the valid signature of a registered voter, and where invalidation of one or more such signatures will prevent qualification of a petition for a vote, the chief petitioners may cure any such signature invalidation by presenting to the filing officer an affidavit from the voter, as to a given signature, that the signature is valid and that the voter did sign the petition sheet as indicated. Such affidavit shall be submitted within 14 calendar days after the chief petitioners receive written notice from the filing officer that the signature is being questioned.

Section 7. a. No public agency or public official of this state shall restrict the color of any petition form, which shall be completely within the discretion of the chief petitioners, so long as the signatures and other information on the petition sheets are legible to any person of reasonable vision.

b. Any petition document which does not exceed 9 inches by 12 inches in size, and which is not less than 7 inches by 9 inches in size, shall be allowed, although chief petitioners are encouraged to use standard 8.5 inch by 11 inch documents.

c. The weight of any petition document should be at least 10-pound paper and should not exceed 60-pound paper, although chief petitioners are encouraged to use 20-pound paper.

d. If any petition document does not meet the size or weight requirements of subsections (b) and (c) of this Section, such document shall still be recognized and allowed if legible, but the chief petitioners may be assessed a fee for any extra cost incurred by the government in processing such document.

Section 8. a. The state shall encourage and support Internet petition participation.

b. The Secretary shall maintain a web site where any Oregon voter may review any pending petition for a statewide or non-statewide initiative, referendum, or recall. For each petition, the web site shall contain a one-signature form, which may be downloaded and printed on one side of a piece of paper of any color. Any Oregon voter may fill in voter information, sign the form, mail, or otherwise deliver the form to the chief petitioners, and thereby add the voter's signature to the pending petition.

c. The one-signature form shall state the identification number of the petition, the caption of its ballot title, and information for contacting the chief petitioners. It shall provide spaces for the voter's signature, printed name, address, and date signed, along with this statement: "I am an Oregon voter. I add my signature to this petition. I realize I must mail or otherwise deliver this signed document to the chief petitioners on this petition in order for my signature to be counted." It shall contain no other content.

(d) Notwithstanding any reference in law to the cover of a petition or the reverse of the cover, the one-signature form need not have a cover or a reverse side. It shall be on one side.

(e) The Secretary shall provide, by rule, for the same format and approach for Internet participation in any initiative, referendum, or recall of less than statewide scope. This shall be recognized by the appropriate elections officer.

Section 9. (a) The following instructions for circulators shall appear on each cover of a petition:

INSTRUCTIONS FOR CIRCULATORS

Only registered voters of the state of Oregon may sign a petition.

Each signer should list a printed name, date of signing, and residence address. The signer should be a voter in the area (state, county, city, or district) covered by this petition.

Only one circulator may collect signatures on any one sheet of a petition.

Each signer must sign in the presence of the circulator.

It is advisable to have signers use a pen for signing petitions or for certifying petitions.

Circulators shall not knowingly make any false statement to any person who signs or requests information about a petition.

Circulators shall not attempt to obtain the signature of a person knowing that the person is not a registered voter unless the person is also registering at the time of signing. Circulators shall not offer money or anything of value to another person to sign a petition.

(b) The following instructions for signers shall appear on each cover of a petition:

INSTRUCTIONS FOR SIGNERS

Only registered voters of the state of Oregon may sign a petition. You may register to vote at the time you sign a petition.

Voters should sign their full name, as they did when they registered to vote. Voters should fill in the date on which they sign the petition, with their printed name and residence address. Voters should only sign petitions affecting the area (state, county, city, or district) where the voters reside.

No person shall sign for another person unless authorized to do so by law, such as in the case of a disabled person.

It is advisable to use a pen for signing petitions. It is unlawful to sign a petition more than once.

Section 10. (a) The Secretary shall, by rule, designate the form of the prospective petition, and the initiative, referendum, and recall petitions, including the signature sheets, to be used in any initiative, referendum, and recall.

(b) No rule adopted by the Secretary may hinder, burden, or otherwise restrict the exercise of the initiative, referendum, or recall process in any manner not consistent with the explicit terms, standards, and values reflected in this Act. A rule adopted by the Secretary of State is not consistent with the explicit terms, standards, and values reflected in this Act if the rule has the effect of increasing the cost in any manner of circulating a petition, if the rule makes it possible for the Secretary to invalidate or not count otherwise valid signatures collected on a petition, or if the rule adds any requirement to a petition not specified or explicitly contemplated by Oregon statute.

(c) The Secretary may not adopt any temporary rule affecting the petition process unless authorized to do so pursuant to a State of Emergency declared by the Governor.

Section 11. Notwithstanding any other provision of law, a petition for which original signatures are otherwise required shall be accepted by the appropriate filing officer for signature verification with photographic copies of one or more signature sheets, if the signature sheets containing the original signatures were stolen, or were vandalized, destroyed, or damaged beyond useful recognition by fire, flood, or any other unforeseen event reasonably outside the control of the chief petitioners.

Section 12. (a) Before circulating a petition to initiate or refer a state measure under Section 1, Article IV, Oregon Constitution, the chief petitioners shall file with the Secretary a prospective petition. The prospective petition for a state measure to be initiated shall contain a statement of sponsorship signed by at least 25 electors, who shall be the sponsors of the petition. The statement of sponsorship shall be attached to a full and correct copy of the measure to be initiated. The Secretary shall date and time stamp the prospective petition and specify the form on which the petition shall be printed for circulation. The Secretary shall approve or disapprove the form of any petition signature sheet within five business days after the signature sheet is submitted for review by the Secretary. The Secretary shall retain the prospective petition.

(b) The cover of an initiative or referendum petition shall designate the name and county of residence of not more than three persons as chief petitioners and shall contain instructions for persons obtaining signatures of electors on the petition, as well as instructions for signers. The instructions shall be as specified in Section 9 of this Act. The cover of a referendum petition shall contain the final measure summary described in ORS 250.065 (1). If a court petition seeking a different ballot title is not filed with the Supreme Court by the deadline for filing a court petition under ORS 250.085, the cover of an initiative petition shall contain the ballot title described in ORS 250.067 (2). However, if the Supreme Court has reviewed the ballot title, the cover of the initiative petition shall contain the title certified pursuant to the court decision.

(c) Once the ballot title process has been completed, no legal challenge to an initiative or referendum, relating in any respect to the validity or sufficiency of the ballot title, shall be considered in any forum.

(d) 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 subject expressed in the title of the Act to be referred.

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

(f) The person obtaining signatures on the petition shall have available at least one full and correct copy of the measure to be initiated or the bill to be referred, and shall allow any person to review a copy upon request of the person. As to a statewide referendum, as an alternative to carrying a copy of the bill, the person obtaining signatures on the petition may have available the summary of the bill which was printed on the bill at the time of final passage.

Section 13. (a) Any referendum shall be held at the next regular primary or general election, provided sufficient petition signatures are filed, and provided the filing of signatures occurs at least 90 days before the date of the primary or general election.

(b) Any initiative vote shall be held at the next primary or general election, provided sufficient petition signatures are filed at least 120 days before the date of the primary or general election. Chief petitioners may file a prospective petition to place an initiative on the ballot at any time earlier than 120 days prior to the election at which the measure would be considered by voters. Chief petitioners may begin collecting signatures on a petition, after having obtained a ballot title, at any time within 28 months prior to the election at which the measure would be considered by the voters.

Section 14. (a) 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.

(b) The cover of an initiative or referendum petition shall designate the name and city of not more than five persons as chief petitioners and shall contain instructions for persons obtaining signatures of electors on the petition, as well as instructions for signers. The instructions shall be as specified in Section 9 of this Act. The cover of a referendum petition shall contain the title described in ORS 250.275 (1). If the circuit court has not reviewed the ballot title under ORS 250.296, the cover of an initiative petition shall contain the ballot title described in ORS 250.275 (3). If the circuit court has reviewed the ballot title, the cover of the initiative petition shall contain the title certified by the court.

(c) 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 city's governing body.

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

(e) The person obtaining signatures on the petition shall have available 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.

Section 15. (a) 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.

(b) The cover of an initiative or referendum petition shall designate the name and county of not more than five persons as chief petitioners and shall contain instructions for persons obtaining signatures of electors on the petition as well as instructions for signers. The instructions shall be as specified in Section 9 of this Act. 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.

(c) 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's governing body.

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

(e) The person obtaining signatures on the petition shall have available 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.

Section 16. (a) An initiative or referendum petition relating to a state measure shall be filed with the Secretary for the purpose of verifying whether the petition contains the required number of signatures of electors. The filed petition shall contain only original signatures unless a substitution is allowed under Section 11 of this Act. Each petition shall be verified in the order in which the petitions are filed with the Secretary.

(b) An initiative or referendum petition relating to a state measure shall not be accepted for filing if it contains less than 100 percent of the required number of signatures.

(c) If an initiative or referendum petition is submitted not less than 165 days before the election at which the proposed measure is to be voted upon, the Secretary shall make a preliminary count of signatures and notify the chief petitioners of the count. Chief petitioners who make such an early submission may make further submissions of signatures before the deadline for filing the petition.

(d) The Secretary shall designate by rule a statistical sampling technique to verify whether a petition contains the required number of signatures of electors. A petition shall not be rejected for the reason that it contains less than the required number of signatures unless two separate sampling processes both establish that the petition lacks the required number of signatures. The second sampling must contain a larger number of signatures than the first sampling. If two samplings are required under this subsection, the total number of signatures verified on the petition shall be not less than five percent of the total number of signatures on the petition. If the second sampling shows the number of petition signatures to be insufficient, but the extrapolated signature total is at least 98% of the required amount, a full verification of all signatures submitted shall be conducted.

(e) The signature duplication rate on the first statistical sampling shall be an assumed rate of 8 percent. If a second sample is necessary, the signature duplication rate shall be determined from that sample and that rate applied to all signatures. However, as to the second statistical sample, the penalty applied to the entire petition for each duplicate found in the sample shall not

exceed 100 signatures, unless a greater number of duplicates is found in an actual count of duplicates in the entire petition.

(f) The Secretary may employ professional assistance to determine the sampling technique to be designated under subsections (d) and (e) of this section.

Section 17. (a) Pursuant to section 18, Article II of the Oregon Constitution, an elector of the electoral district from which the public officer is elected may file a petition demanding the recall of the public officer. Before the petition is circulated for signatures, the chief petitioners of the petition shall file with the officer authorized to order the recall election:

1. A copy of the prospective petition signed by the chief petitioners,
2. A statement of organization described in ORS 260.118; and
3. A statement conforming to ORS 260.083 of contributions received and expenditures made by or on behalf of the chief petitioners and political committee the chief petitioners represent, if any, to the date of filing the prospective petition.

(b) Each sheet of the recall petition shall meet the standards of this Act and shall contain:

1. The words "Petition for recall of" (name and title of officer) and the date of the filing under subsection (a) of this section; and
2. The name and address of the treasurer listed on the statement of organization filed under subsection (a) of this section.

(c) A recall petition shall be void unless completed and filed not later than the 100th day after filing the prospective petition described in this section. Not later than the 90th day after filing the prospective petition, the petition shall be submitted to the filing officer who shall verify the signatures not later than the 10th day after the submission. The filed petition shall contain only original signatures unless a substitution is allowed under Section 11 of this Act. A recall petition shall not be accepted for signature verification if it contains less than 100 percent of the required number of signatures. The petition shall not be accepted for filing until 100 percent of the required number of signatures of electors has been verified.

(d) The provisions for verification of signatures on an initiative or referendum petition contained in this Act are applicable to the verification of signatures on a statewide recall petition. The Secretary shall by rule establish provisions for verification of signatures on a recall petition of less than statewide scope, where a specific statute does not apply.

Section 18. Once the Secretary has determined that a petition has qualified, or has failed to qualify, to place a matter on the ballot, no person may challenge that determination unless the person files a challenge in the Marion County Circuit Court within 10 calendar days after the Secretary's determination.

Section 19. (a) No circulator shall be compensated based on the number of signatures obtained by the circulator. Any other method of compensation is appropriate so long as it meets the requirements of Article IV, Section 1b of the Oregon Constitution.

(b) Each circulator who is not compensated is a volunteer.

(c) Each circulator who is compensated is an independent contractor for purposes of ORS Chapters 316, 656, and 657, unless the circulator signs a written employment contract which clearly states that the circulator is an employee, and clearly states the name and address of a person designated as the circulator's employer.

Section 20. Notwithstanding any other provision of law, or any legislative rule, an Emergency Clause cannot be included in any legislative bill affecting the initiative, referendum, or recall process unless the Emergency Clause is approved by separate majority votes of the House and Senate. Each chamber shall debate and vote on whether the Emergency Clause shall be included before the chamber conducts its vote on final passage of the bill. The Emergency Clause shall specifically state the nature of the emergency, and shall specify how the emergency requires that the legislation be implemented upon signing rather than in the usual course.

Section 21. In any statute which specifies a limited number of words for a ballot title, articles and conjunctions shall not be included in the numerical word limitation for the Caption, the Result of Yes Vote, the Result of No Vote, and the Summary.

Section 22. Should a chief petitioner file a petition for Supreme Court review of a ballot title, the standard of review in ORS 250.085(8) shall apply, except that the Supreme Court shall give deference to the chief petitioner's interpretation of the petition, unless the chief petitioner's interpretation is clearly erroneous.

Section 23. In any case where the Oregon Supreme Court is reviewing a ballot title and a final ballot title has not been established by 60 calendar days after the date of the filing for Supreme Court review, the chief petitioners may choose to temporarily proceed with petitions which present the ballot title as it read at the time of filing for Supreme Court review. Such temporary petitions shall not be printed or directly issued by the chief petitioners more than 10 calendar days after the final ballot title is established, unless the final ballot title is the same as when the petition for review was filed. Where the final ballot title has changed, the chief petitioner shall discontinue printing or directly issuing temporary petition forms. All signatures on temporary petition forms are valid on the same basis as signatures on permanent (final ballot title) petition forms.

Section 24. No public agency or public official shall establish any type of panel, board, or commission which purports to advise or direct voters how they should vote on any matter subject to a petition. This section does not limit any public official from the free expression of that person's own views but is intended to prohibit government advocacy as to the merits of a matter to be decided by voters.

Section 25. This Act does not apply to ORS 198.410 through 198.440, relating to recall of district officers.

Section 26. As they are not consistent with a free and reasonable petition process, all of the provisions of House Bill 2082, enacted in Chapter ____, Oregon Laws 2007, are repealed. Any pending attempt to enforce any of those provisions is nullified and set aside as though House Bill 2082 (Chapter ____, Oregon Laws 2007) was never enacted.

Section 27. The following statutes are repealed: ORS 249.865, 249.875, 250.015, 250.043, 250.045, 250.105, 250.165, 250.265, and 260.561.

Section 28. Should any portion of this Act be invalidated by any court decision, the remainder of this Act shall be considered severable and shall stand without the invalidated portion.

SECRETARY OF THE STATE
BILL BRADBURY

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