

HOUSE AMENDMENTS TO HOUSE BILL 2176

By COMMITTEE ON RULES

March 20

1 On page 1 of the printed bill, line 2, after “ORS” delete the rest of the line.

2 Delete lines 3 through 6 and insert “204.020, 221.031, 246.021, 247.420, 248.006, 248.007, 249.005,
3 249.008, 249.031, 249.037, 249.064, 249.078, 249.170, 249.180, 249.735, 249.740, 249.830, 250.045, 250.052,
4 250.065, 250.067, 250.075, 250.141, 250.175, 250.185, 250.275, 250.285, 251.065, 251.085, 251.115, 251.255,
5 254.115, 254.135, 254.515, 254.565, 255.085, 255.145, 255.295, 260.037, 260.043, 260.054, 260.055, 260.057,
6 260.078, 260.232 and 260.241; repealing ORS 247.435; and declaring an emergency.”.

7 On page 4, delete lines 34 through 36 and insert:

8 “(4) A nominating petition or declaration of candidacy must be filed using the electronic filing
9 system adopted by the Secretary of State under ORS 251.014 if the petition or declaration is filed:

10 “(a) For a primary election; and

11 “(b) For an office for which the Secretary of State is designated as the filing officer under ORS
12 249.035.”.

13 On page 7, line 3, after “petition” insert “or prospective petition”.

14 On page 9, line 5, after “petition” insert “or prospective petition”.

15 In line 7, after “petition” insert “or prospective petition”.

16 On page 17, delete lines 26 through 45.

17 On page 18, delete lines 1 through 11 and insert:

18 “**SECTION 30.** ORS 255.085 is amended to read:

19 “255.085. (1) Not later than the 61st day before a district election on a measure, the district
20 elections authority shall deliver to the elections officer a notice stating the date of the election and
21 a ballot title. The district elections authority shall prepare the ballot title for a measure referred
22 by the authority with the assistance of the district attorney for the county of the elections officer
23 or an attorney employed by the district elections authority. **The district elections authority shall**
24 **include the ballot title for the measure at the time the measure is submitted to the elections**
25 **officer.**

26 “(2) If a district submits a measure to the electors of the district at an election held on the first
27 Tuesday after the first Monday in November and the district submitted a measure on the election
28 date in ORS 255.345 (1) immediately preceding the date of an election held on the first Tuesday after
29 the first Monday in November, the district elections authority shall file the measure for the election
30 held on the first Tuesday after the first Monday in November with the elections officer not later
31 than the 47th day before an election held on the first Tuesday after the first Monday in November.

32 “(3) A notice of election called to approve the issuance of bonds shall include:

33 “(a) The purpose for which the bonds are to be used;

34 “(b) The amount and the term of the bonds;

35 “(c) The kind of bonds proposed to be issued; and

1 “(d) If the bond election is authorized by ORS 450.900, the additional notice requirements in ORS
2 450.905.

3 “(4)(a) In the case of a measure submitted by initiative or referendum petition, the elections of-
4 ficer shall publish the notice in the next available edition of a newspaper of general circulation in
5 the district after the deadline for filing the notice.

6 “(b) In the case of a measure referred by the district elections authority, the elections officer
7 shall publish the notice of election in the next available edition of a newspaper of general circu-
8 lation in the district after the notice of election is filed. The notice shall also state that an elector
9 may file a petition for review of the ballot title not later than the date referred to in ORS 255.155.
10 If the circuit court certifies a different ballot title, the elections officer shall publish an amended
11 notice of election in the next available edition of the newspaper referred to in this subsection after
12 the new title is certified to the elections officer.

13 “(c) In addition to publishing the notice as described in paragraphs (a) and (b) of this subsection,
14 the elections officer may publish the notice on the county’s website for a minimum of seven days.”.

15 On page 22, delete lines 26 through 45.

16 On page 23, delete lines 1 through 29 and insert:

17 “**SECTION 39.** ORS 260.232 is amended to read:

18 “260.232. (1) The Secretary of State may impose a civil penalty as provided in this section, in
19 addition to any other penalty that may be imposed, for:

20 “(a) Failure to file a statement or certificate required to be filed under ORS 260.044, 260.057,
21 260.076, 260.078, 260.083, 260.112 or 260.118.

22 “(b) Failure to include in a statement filed under ORS 260.044, 260.057, 260.076, 260.078, 260.083,
23 260.112 or 260.118 the information required under ORS 260.044, 260.057, 260.076, 260.083 or 260.118.

24 “(2)(a) If a person required to file has not filed a statement or certificate complying with appli-
25 cable provisions of ORS 260.044, 260.057, 260.076, 260.078, 260.083, 260.085, 260.112 or 260.118 within
26 the time specified in ORS 260.044, 260.057, 260.076, 260.078 or 260.118, the Secretary of State by first
27 class mail **or electronically** shall notify the person that a penalty may be imposed and that the
28 person has 20 days from the service date on the notice to request a hearing before the Secretary
29 of State.

30 “(b) If the person required to file is a candidate or the principal campaign committee of a can-
31 didate, the Secretary of State shall send the notice described in paragraph (a) of this subsection by
32 first class mail **or electronically** to the candidate. The notice shall be used for purposes of deter-
33 mining the deadline for requesting a hearing under subsection (3) of this section.

34 “(3) A hearing on whether to impose a civil penalty and to consider circumstances in mitigation
35 shall be held by the Secretary of State:

36 “(a) Upon request of the person against whom the penalty may be assessed, if the request is
37 made not later than the 20th day [*after the person received*] **from the service date on** the notice
38 sent under subsection (2) of this section;

39 “(b) Upon request of the filing officer with whom a statement or certificate was required to be
40 filed but was not filed; or

41 “(c) Upon the Secretary of State’s own motion.

42 “(4) A hearing under subsection (3) of this section shall be held not later than 45 days after the
43 deadline for the person against whom the penalty may be assessed to request a hearing. However,
44 if requested by the person against whom the penalty may be assessed, a hearing under subsection
45 (3) of this section shall be held not later than 60 days after the deadline for the person against whom

1 the penalty may be assessed to request a hearing.

2 “(5) The Secretary of State shall issue an order not later than 90 days after a hearing or after
3 the deadline for requesting a hearing if no hearing is held.

4 “(6) The person against whom a penalty may be assessed need not appear in person at a hearing
5 held under this section, but instead may submit written testimony and other evidence, subject to the
6 penalty for false swearing, to the Secretary of State for entry in the hearing record. The testimony
7 and other evidence must be received by the secretary not later than three business days before the
8 day of the hearing and may be submitted electronically.

9 “(7) A civil penalty imposed under this section may not be more than the following:

10 “(a) For failure to file a statement or certificate required to be filed under ORS 260.044, 260.057,
11 260.076, 260.078, 260.083, 260.112 or 260.118, 10 percent of the total amount of the contribution or
12 expenditure required to be included in the statement or certificate; or

13 “(b) For each failure to include in a statement filed under ORS 260.044, 260.057, 260.076, 260.078,
14 260.083, 260.112 or 260.118 the information required under ORS 260.044, 260.057, 260.076, 260.083 or
15 260.118, 10 percent of the total amount of the contribution or expenditure required to be included
16 in the statement.

17 “(8) The Secretary of State, upon a showing of mitigating circumstances, may reduce the amount
18 of the penalty described in subsection (7) of this section.

19 “(9) Except as otherwise provided by this section, civil penalties under this section shall be
20 imposed as provided in ORS 183.745.”

21 After line 45, insert:

22 “**SECTION 41.** ORS 249.005 is amended to read:

23 “249.005. (1) Notwithstanding ORS 249.008 and 249.875, a petition or minutes for which original
24 signatures are otherwise required may be accepted by the county clerk **or Secretary of State** for
25 signature verification, or by another filing officer in the case of a recall petition, with photographic
26 copies of one or more signature sheets if:

27 “(a) The signature sheets containing the original signatures were stolen or destroyed by fire, a
28 natural disaster or other act of God; and

29 “(b) The photographic copy of each original signature sheet contains the number of the original
30 signature sheet prescribed by the Secretary of State under ORS 249.009.

31 “(2) As used in this section, ‘act of God’ means an unanticipated grave natural disaster or other
32 natural phenomenon of an exceptional, inevitable and irresistible character, the effects of which
33 could not have been prevented or avoided by the exercise of due care or foresight.

34 “**SECTION 42.** ORS 249.008 is amended to read:

35 “249.008. (1) Except as provided in subsection (2) of this section, before a nominating petition,
36 minutes of an assembly of electors[,] or petition by individual electors is offered for filing, the county
37 clerk of each county in which the signatures were secured **or the Secretary of State** shall compare
38 the signatures of electors on the petition or minutes with the signatures of the electors on the
39 elector registration cards. Any petition or minutes submitted for verification under this section shall
40 contain only original signatures. The county clerk **or the secretary** shall attach to the petition or
41 minutes a certificate stating the number of signatures believed to be genuine. The certificate is
42 prima facie evidence of the facts stated in it. A signature not included in the number certified to
43 be genuine shall not be counted by the officer with whom the petition is filed. No signature in vio-
44 lation of the provisions of this chapter shall be counted.

45 “(2) If the total number of signatures presented to a county clerk **or the Secretary of State**

1 for verification is 15,000 or more, the county clerk **or secretary** may use a statistical sampling
2 technique authorized by the secretary [*of State*] to verify the signatures. The sample shall be drawn
3 from at least 100 percent of the number of signatures required for nomination.

4 “(3) After signatures of electors on a nominating petition, minutes of an assembly of electors
5 or petition by individual electors are submitted for verification, no elector who signed the petition
6 or minutes may remove the signature of the elector from the petition or minutes.

7 “(4) **The Secretary of State by rule shall establish procedures for verifying whether a**
8 **petition submitted under this section contains the required number of signatures of active**
9 **electors.**

10 “**SECTION 43.** ORS 249.064 is amended to read:

11 “249.064. (1) A nominating petition of a candidate seeking the nomination of a major political
12 party shall contain a statement that each elector whose signature appears on the petition is a
13 member of the same major political party as is the candidate.

14 “(2) A nominating petition of any candidate shall contain the number of signatures of electors
15 required by ORS 249.068 or 249.072 and the residence or mailing address and name or number of the
16 precinct, if known, of each elector whose signature appears.

17 “(3) Pursuant to ORS 249.008, the county clerks **or the Secretary of State** shall certify the
18 signatures contained in the nominating petition for genuineness.

19 “**SECTION 44.** ORS 249.078 is amended to read:

20 “249.078. (1) The name of a candidate for a major political party nomination for President of the
21 United States shall be printed on the ballot only:

22 “(a) By direction of the Secretary of State who in the secretary’s sole discretion has determined
23 that the candidate’s candidacy is generally advocated or is recognized in national news media; or

24 “(b) By nominating petition described in this section and filed with the Secretary of State.

25 “(2) A petition nominating a candidate under this section shall contain from each congressional
26 district the signatures of at least 1,000 electors who are registered in the district and who are
27 members of the major political party of the candidate. The electors in each congressional district
28 shall include electors registered in at least five percent of the precincts in each of at least one-
29 fourth of the counties in the congressional district. The petition shall contain the printed name,
30 residence or mailing address and name or number of the precinct, if known, of each elector whose
31 signature appears on the petition. The signatures shall be certified for genuineness by the county
32 clerks **or the Secretary of State** under ORS 249.008.

33 “(3) Before circulating the nominating petition, the chief sponsor shall file with the Secretary
34 of State a signed copy of the prospective petition. The chief sponsor shall include with the pro-
35 spective petition a statement declaring whether one or more persons will be paid money or other
36 valuable consideration for obtaining signatures of electors on the petition. After the prospective
37 petition is filed, the chief sponsor shall notify the Secretary of State not later than the 10th day
38 after the chief sponsor first has knowledge or should have had knowledge that:

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

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

43 “**SECTION 45.** ORS 249.735 is amended to read:

44 “249.735. (1) An assembly of electors is an organized body:

45 “(a) Of not fewer than 1,000 electors of the state for a statewide nomination.

1 “(b) Of not fewer than 500 electors of the congressional district for which the nomination for
2 Representative in Congress is made.

3 “(c) Of not fewer than 250 electors of the county or any other district for which the nomination
4 is made.

5 “(2) An assembly of electors may nominate candidates at a nominating convention. The con-
6 vention shall be held in one day and last not longer than 12 hours. The signature, printed name and
7 residence or mailing address of each member of the assembly shall be recorded at the convention
8 and entered of record in the minutes by the secretary of the assembly. Not less than the minimum
9 number of electors required to constitute an assembly of electors must have recorded their signa-
10 tures in the minutes of the assembly and must be present when the assembly nominates a candidate.
11 The candidate receiving the highest number of votes of the assembly for the office shall be the
12 nominee of the assembly.

13 “(3) Not later than the 10th day before the meeting of an assembly of electors, notice shall be
14 published at least once in not less than three newspapers of general circulation within the electoral
15 district for which the nomination will be made. The notice shall contain the time and place the as-
16 sembly will meet, the office or offices for which nominations will be made, and the names and ad-
17 dresses of not fewer than 25 electors qualified to vote in the assembly who desire that it be held.

18 “(4) Proof of publication of notice in subsection (3) of this section shall be made by affidavit of
19 the owner, editor, publisher, manager, advertising manager, principal clerk of any of them, or the
20 printer or printer’s foreman of the newspaper in which the notice is published. The affidavit shall
21 show publication and shall be filed with the filing officer with the certificate of nomination.

22 “(5) Not later than the 10th day before the meeting of an assembly of electors, a copy of the
23 notice under subsection (3) of this section shall be delivered to the filing officer who will supervise
24 the conduct of the nominating convention.

25 “(6) The presiding officer of an assembly of electors shall deliver the signatures of assembly
26 members entered in the minutes to the appropriate county clerks of the counties in which the as-
27 sembly members live **or to the Secretary of State if the secretary is the designated filing offi-**
28 **cer under ORS 249.035.** The signatures shall be certified by the appropriate county clerk **or by the**
29 **Secretary of State** under ORS 249.008. A copy of the minutes, certified by the secretary of the as-
30 sembly, and the certificate of the county clerk **or the Secretary of State** shall be filed [*with the*
31 *filing officer*] with the certificate of nomination.

32 “(7) If the assembly of electors designates a committee to whom the assembly delegated the au-
33 thority to fill vacancies as provided in ORS 249.842, a notice containing the names of the members
34 of the committee shall be delivered to the filing officer with the certificate of nomination.

35 “**SECTION 46.** ORS 249.740 is amended to read:

36 “249.740. (1) A certificate of nomination made by individual electors shall contain a number of
37 signatures of electors in the electoral district equal to not less than one percent of the total votes
38 cast in the electoral district for which the nomination is intended to be made, for all candidates for
39 presidential electors at the last general election.

40 “(2) Each elector signing a certificate of nomination made by individual electors shall include
41 the residence or mailing address of the elector. Except for a certificate of nomination of candidates
42 for electors of President and Vice President of the United States, a certificate of nomination made
43 by individual electors shall contain the name of only one candidate.

44 “(3) Before beginning to circulate the certificate of nomination, the chief sponsor of the certif-
45 icate shall file a signed copy of the prospective certificate with the filing officer referred to in ORS

1 249.722. The chief sponsor of the certificate shall include with the prospective certificate a state-
2 ment declaring whether one or more persons will be paid money or other valuable consideration for
3 obtaining signatures of electors on the certificate. After the prospective certificate is filed, the chief
4 sponsor shall notify the filing officer not later than the 10th day after the chief sponsor first has
5 knowledge or should have had knowledge that:

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

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

10 “(4) The circulator shall certify on each signature sheet that the circulator:

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

13 “(b) Believes each individual is an elector registered in the electoral district.

14 “(5) The signatures contained in each certificate of nomination made by individual electors shall
15 be certified for genuineness by the county clerk **or the Secretary of State** under ORS 249.008.

16 “(6) As used in this section, ‘prospective certificate’ means the information, except signatures
17 and other identification of certificate signers, required to be contained in a completed certificate
18 of nomination.”.

19 On page 24, line 1, delete “41” and insert “47”.

20 In line 2, delete “42” and insert “48” and delete “40” and insert “46”.

21 In line 3, delete “41” and insert “47”.

22 In line 4, delete “43” and insert “49”.

23
