

BILL BRADBURY
SECRETARY OF STATE



ELECTIONS DIVISION
JOHN LINDBACK
DIRECTOR
141 STATE CAPITOL
SALEM, OREGON 97310-0722
ELECTIONS—(503) 986-1518

June 22, 2006

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 (#25), satisfies the procedural constitutional requirements for circulation as a proposed initiative petition. Petition #25 was filed in our office on June 21, 2006, by Bill Sizemore, 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 July 14, 2006, 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 following section shall be added to and made part of the Oregon Revised Statutes:

Section 1. Except for resources used or spent preparing, printing or distributing an official voters pamphlet or conducting an election, no public resource shall be used to collect or help collect money used for a political purpose. If a person or entity uses for a political purpose any money collected for it by means of a public resource, or if a person or entity commingles, whether in a bank account or otherwise, political funds with funds collected wholly or in part by means of a public resource, the person or entity shall pay to the state treasury a civil penalty equal to two times the amount of money spent in violation of this section, and thereafter, no public employer or government entity shall collect money for any purpose for that person or entity.

- (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, was contributed to a candidate, political committee, chief petitioner committee for an initiative or referendum, or a political party; or 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 effort to solicit signatures for an initiative, referendum, or recall petition or to discourage electors from signing a petition.**
- (b) For purposes of this section, money spent lobbying an elected official shall not be considered used for a political purpose. However, so as to prevent political campaigning under the guise of "lobbying," money shall be deemed used for a political purpose, if it is spent on or contributed to any print, direct mail, electronic media or other mass media campaign, which names or otherwise identifies a person who is a candidate for public office, or an issue which is the subject of a measure on the ballot, in an election held within the 90-day period following the communication.**
- (c) For purposes of this section, public resources shall include public money, public employee time on the job during working hours, public buildings, equipment, and supplies. For purposes of this section, a resource shall be deemed to have been used, even if the public entity is reimbursed for the cost of using or providing it; and "entity" shall include individuals, corporations, firms, partnerships, limited liability companies, joint stock companies, unions, organizations, associations, committees and other such groups.**
- (d) Nothing in this section shall be construed as limiting the right of public employees to donate money to political causes, provided that they do so without the use of a public resource.**
- (e) This 2008 Act supersedes any preexisting law, rule, policy, or ordinance with which it conflicts.**
- (f) 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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OF THE STATE

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