

SENATE BILL REPORT

SB 5535

As of February 4, 2015

Title: An act relating to establishing a citizens' initiative review pilot program.

Brief Description: Establishing a citizens' initiative review pilot program.

Sponsors: Senators Fain, Lias, Rivers, Miloscia, Nelson, McCoy, Mullet, Dammeier, Litzow, Frockt, Hill, Chase, Darneille and Kohl-Welles.

Brief History:

Committee Activity: Government Operations & Security:

SENATE COMMITTEE ON GOVERNMENT OPERATIONS & SECURITY

Staff: Samuel Brown (786-7470)

Background: Initiatives. The Legislature adopted processes for initiative measures in 1912. These processes are preserved in the state Constitution and allow the following:

- initiatives to the people, where the issue is submitted for a vote of the people at the next state general election; and
- initiatives to the Legislature, where the issue is submitted to the Legislature at its next regular session. The Legislature may then approve the measure, approve an alternative measure, or take no action on the measure. If the Legislature approves an alternative measure, both the alternative and original measures are submitted to the voters at the next general election for approval or rejection. If the Legislature takes no action, the measure is submitted to the voters at the next general election for approval or rejection.

Initiative petitions require certified signatures from 8 percent of the total number of votes cast for the Office of the Governor at the last regular gubernatorial election to be placed on the ballot. Based on the Secretary of State's data from the 2012 gubernatorial election, the certified signatures of 246,372 registered voters are required to place an initiative measure on the ballot through the 2016 general election.

The Oregon Citizens' Initiative Review Commission (CIRC). In 2009 the state of Oregon passed a bill creating a pilot project testing a process for citizen review of the content of initiatives. The CIRC, established in 2011, oversees the process for citizens' review of initiatives in Oregon, selecting measures for citizen review and analysis, contracting to

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assemble citizen panels which provide demographic balance, and assisting with preparation of review statements for inclusion in voter guides. When selecting measures for review by citizen panels, the CIRC considers the fiscal impact of measures, whether measures amend the Oregon Constitution, the availability of funds to conduct reviews, and other criteria adopted by rule.

Oregon established citizens' review of initiatives as an official part of the elections process for the 2012 election cycle. In 2013 Oregon established the CIRC as a semi-independent state agency, receiving both contributions from nonprofit organizations and state funding.

Summary of Bill: A pilot program is established for citizens' review of initiatives. The Citizens' Initiative Review Oversight Committee (Committee) is created to implement the pilot project. Committee membership is as follows:

- two senators, one from each of the major parties, to be selected by the Secretary of the Senate;
- two representatives, one from each of the major parties, to be selected by the Chief Clerk;
- one member selected by the Governor;
- four members from nonpartisan civic organizations, one each selected by each major caucus of the Senate and House of Representatives; and
- the Secretary of State.

The Committee must select two initiatives for review by citizen panels, taking into consideration the fiscal impact of measures, the availability of funds to conduct the review, the significance of the measure's impact on the public, and other criteria established by the Committee. The Committee also reviews the work of each citizen panel to determine compliance with the intent of this act.

A citizen panel must be established for each initiative selected for review by the Committee. Each panel must have between 18 and 20 members, selected from a representative sample of registered voters by the Secretary of State. The Secretary of State must ensure that the composition of each panel reflects the population of the state as a whole with respect to location, voting history, and age, to the extent practicable. The Secretary of State may also consider gender, ethnicity, and other appropriate criteria in determining panel membership.

Panels must be convened for up to four consecutive days and at least 25 hours. Panels conduct public hearings, receiving testimony from proponents or opponents of the initiative and subject matter experts. The Secretary of State chairs each panel, must contract with a facilitator for each panel, and secure attendance of witnesses before the panel. Panel members are reimbursed for subsistence and travel expenses.

Each citizen panel must submit to the Secretary of State four statements, of a maximum of 250 words each, to be printed in the voters' pamphlet, including the following information:

- ten key findings about the initiative, as determined by a majority of the panel;
- five statements supporting the initiative, as determined by a majority of the panel;
- five statements opposing the initiative, as determined by a majority of the panel; and
- a statement of the panel's vote on the initiative.

After the 2016 general election, the Secretary of State must contract for an evaluation of the effectiveness of the initiative review process outlined in this act, with results of the evaluation reported to the appropriate legislative committees.

Appropriation: None.

Fiscal Note: Requested on February 4, 2015.

Committee/Commission/Task Force Created: Yes.

Effective Date: Ninety days after adjournment of session in which bill is passed.