

**AMENDED STATEMENT OF NEED AND FISCAL IMPACT**

A Notice of Proposed Rulemaking accompanies this form.

Secretary of State, Elections Division

165

Agency and Division

Administrative Rules Chapter Number

Adopts revisions to the state initiative processes contained in OAR Chapter 165 Division 14.

Rule Caption (Not more than 15 words that reasonably identifies the subject matter of the agency's intended action.)

**In the Matter of:** The adoption of OAR 165-014-0034 and the amendment of OAR 165-014-0005, 165-014-0030, 165-014-0275

**Statutory Authority:** ORS 246.150, 250.015, 250.048, 255.135

**Other Authority: Statutes Implemented:** ORS 250.015, 250.045, 250.048, 250.052, 250.085, 250.105

**Need for the Rule(s):** Amendment to or adoption of 165-014-0005, 165-014-0030, 165-014-0034, 165-014-0275 are necessary to provide a process by which chief petitioners may circulate a state initiative petition during the ballot title process. Additionally the proposed amendment to OAR 165-014-0005 is necessary to incorporate changes made by the 2017 Legislative Assembly.

**Documents Relied Upon, and where they are available:** None.

**Fiscal and Economic Impact:** These amendments may cause minimal financial or economic impact to the State Elections Division, other state agencies, local governments and the public.

**Statement of Cost of Compliance:**

1. **Impact on state agencies, units of local government and the public (ORS 183.335(2)(b)(E)):** These amendments may cause minimal financial or economic impact to the State Elections Division, other state agencies, local governments and the public. There may be initiatives that qualify for the ballot that otherwise would not have because of the previous inability to collect signatures during drafting and legal challenges. There may also be fewer legal challenges to ballot titles since challengers will no longer be able to delay signature collection solely by filing a legal challenge. This may result in cost savings to the State Elections Division, other state agencies, local governments and the public. The number of initiative petitions filed varies from cycle to cycle. There is insufficient evidence to conclude that there will be more initiative measures filed only as a result of this rule. The amount any chief petitioner, signature gathering organization or entity, or paid circulator may be liable for requesting, preparing and printing additional cover and signature sheets is dependent on the specific circumstances and choices of chief petitioners and cannot readily be estimated.
2. **Cost of compliance effect on small business (ORS 183.336):**
  - a. **Estimate the number of small business and types of businesses and industries with small businesses subject to the rule:** Less than ten signature gathering organizations or entities.
  - b. **Projected reporting, recordkeeping and other administrative activities required for compliance, including costs of professional services:** The amount any chief petitioner, signature gathering organization or entity or paid circulator may be liable for requesting, preparing and printing additional cover and signature sheets is dependent upon the specific circumstances and cannot readily be estimated.
  - c. **Equipment, supplies, labor and increased administration required for compliance:** Cannot readily be estimated.

**How were small businesses involved in the development of this rule?** Stakeholders that potentially would be affected were directly consulted.

**Administrative Rule Advisory Committee consulted?:** No

**If not, why?:** No advisory committee was deemed necessary as the Secretary of State directly consulted with interested stakeholders involved in the petition process. Additionally no advisory committee was consulted as these proposed amendments incorporate changes passed by the 2017 Legislative Assembly. A Financial Impact Advisory Committee was created and met on August 11, 2017, and this amendment incorporates input from that meeting.

9/14/2017 @ 5:00 pm

Brenda Bayes

elections.sos@oregon.gov

Last Day (m/d/yyyy) and Time  
for public comment

Printed Name

Email Address