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Attorney for Plaintiffs:

PEOPLE NOT POLITICIANS OREGON,
COMMON CAUSE, LEAGUE OF WOMEN
VOTERS OF OREGON, NAACP OF EUGENE/
SPRINGFIELD, INDEPENDENT PARTY OF
OREGON, and C. NORMAN TURRILL

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

PEOPLE NOT POLITICIANS OREGON,
COMMON CAUSE, LEAGUE OF
WOMEN VOTERS OF OREGON,
NAACP OF EUGENE/SPRINGFIELD,
INDEPENDENT PARTY OF OREGON,
and C. NORMAN TURRILL,

Plaintiffs,

v.

BEVERLY CLARNO, OREGON
SECRETARY OF STATE,

Defendant.

Case No. 6:20-cv-01053-MC

**DECLARATION OF
DANIEL W. MEEK**

I, Daniel W. Meek, declare as follows:

1. I am an attorney licensed to practice in the State of Oregon and one of Plaintiffs' counsel. I have personal knowledge of the facts stated in this declaration.
2. Attached as Exhibit A is a true and correct copy of 2020 Oregon Initiative Petition 57 (IP 57), which is available at <https://bit.ly/3a4z9xX>.
3. Attached as Exhibit B is a true and correct copy of an article from Time magazine reporting the World Health Organization's January 30, 2020, decision to declare COVID-19 a Public Health Emergency of International Concern. The article is available at <https://bit.ly/2Z0xCTj>.
4. Over the course of the COVID-19 pandemic, the Centers for Disease Control (CDC) has made a number of recommendations for preventing the spread of COVID-19. Attached as Exhibit C is a true and correct copy of the CDC's webpage on "How to Protect Yourself & Others," as updated December 31, 2020. The live webpage is available at <https://bit.ly/3tKvw8b>.
5. The CDC has also issued guidance on appropriate cleaning practices in response to the COVID-19 pandemic. Attached as Exhibit D is a true and correct copy of the CDC's webpage on "Cleaning and Disinfection for Community Facilities," as updated September 10, 2020, accessed through the Internet Archive. The archived page is available at

<https://bit.ly/2MFWhdx>. The live webpage is available at

<https://bit.ly/3jwLQox>.

6. On November 6, 2020, the Oregon Occupational Safety and Health Division issued a "Temporary Rule Addressing COVID-19 Workplace Risks." Attached as Exhibit E is a true and correct copy of the rule, which is available at <https://bit.ly/2Ly0DTc>.
7. Attached as Exhibit F is a true and correct copy of the Oregon Secretary of State's State Initiative and Referendum Manual, as adopted by Or. Admin. R. 165-014-0005, which is available at <https://bit.ly/3a249i4>.
8. During the 2020 election, the Multnomah County Elections Division coordinated with the Multnomah County Library to expand access to ballot drop-off sites at county libraries. Attached as Exhibit G is a true and correct copy of an article from the Sightline Institute reporting on the program. The article is available at <https://bit.ly/2Z0jtph>.
9. On June 29, 2020, attorney Stephen Elzinga sent an email to the Oregon Secretary of State's office on behalf of People Not Politicians, requesting that Oregon's signature-submission deadline and signature threshold for ballot initiatives be adjusted to account for the effects of the COVID-19 pandemic. Attached as Exhibit H is a true and correct copy of the email.

10. On July 13, 2020, the Oregon Secretary of State filed a Notice, ECF No. 24, in response to this Court's Preliminary Injunction Order, ECF No. 23, in this case. Attached as Exhibit I is a true and correct copy of this Notice.
11. Attached as Exhibit J is a true and correct copy of the Secretary of State's online record for IP 57, which is available at <https://bit.ly/2N6IQTE>.
12. Attached as Exhibit K is a true and correct copy of the Secretary of State's online list of 2020 initiative petitions, including their filing dates. The list can be accessed by visiting the Secretary of State's online initiative search tool, available at <https://bit.ly/3tFdWCx>; searching for all petitions from the year 2020; and selecting "Detailed Results."
13. On February 13, 2020, opponents of IP 57 filed a legal challenge to the initiative's draft ballot title with the Oregon Supreme Court. Attached as Exhibit L is a true and correct copy of this filing, [Amended] Petition to Review Ballot Title Certified by the Attorney General for Initiative Petition 57 (2020), Uherbelau v. Rosenblum, No. S067451 (Or. Feb. 13, 2020).
14. Attached as Exhibit M are true and correct copies of the Secretary of State's online records for the following proposed initiatives:
 - > 2018 IP 37, the record for which is available at <https://bit.ly/3aOTPt5>
 - > 2016 IP 65, the record for which is available at <https://bit.ly/3tScexY>
 - > 2014 IP 55, the record for which is available at <https://bit.ly/3a5snYV>

- > 2014 IP 44, the record for which is available at
<https://bit.ly/2OoWoKT>
- > 20 14 IP 53, the record for which is available at
<https://bit.ly/3q7NPC5>
- > 2012 IP 21, the record for which is available at
<https://bit.ly/3aMZYG5>
- > 2012 IP 35, the record for which is available at
<https://bit.ly/2MOMfqq>
- > 2010 IP 77, the record for which is available at <https://bit.ly/3aOULO7>

15. Attached as Exhibit N are true and correct copies of the Secretary of State's online records of qualified initiatives for the years 2010, 2012, 2014, 2016, and 2018. The list for each year can be accessed by visiting the Secretary of State's online initiative search tool, available at <https://bit.ly/3tFdWCx>; selecting the appropriate year; filtering to "Qualified to Ballot"; filtering to "Citizen Initiative Petitions"; and selecting "Summary Results."
16. Attached as Exhibit O are true and correct copies of the Secretary of State's online records for the following proposed initiatives:
 - > 2020 IP 45, the record for which is available at <https://bit.ly/36XVg7i>
 - > 2020 IP 46, the record for which is available at <https://bit.ly/3jwB5Td>

- > 2020 IP 60, the record for which is available at <https://bit.ly/3jCTZrp>
- 17. Attached as Exhibit P is a true and correct copy of a Columbia Gorge News article reporting on the failure of a 2020 recall effort against Oregon State Senator Chuck Thompsen. The article is available at <https://bit.ly/3p2YPQ0>.
- 18. Attached as Exhibit Q is a true and correct copy of the Secretary of State's online record for 2020 IP 34, which is available at <https://bit.ly/3jAljGT>.
- 19. Attached as Exhibit R is a true and correct copy of the Secretary of State's online record for 2020 IP 44, which is available at <https://bit.ly/3a4o3sP>.
- 20. Attached as Exhibit S are true and correct copies of the Secretary of State's online records for the following proposed initiatives:
 - > 2018 IP 1, the record for which is available at <https://bit.ly/3aOXAib>
 - > 2020 IP 13, the record for which is available at <https://bit.ly/3q74l5h>

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on February 12, 2021, at Portland, Oregon.

Dated: February 12, 2021

/s/ Daniel W. Meek

Daniel W. Meek

EXHIBIT A



OREGON REDISTRICTING BALLOT MEASURE LEGISLATIVE AND CONGRESSIONAL FINDINGS

Whereas Election Day is when Oregonians exercise their right to vote and make their voice heard, and the people of Oregon need an independent commission to draw fair and impartial districts so that every vote matters; and

Whereas under current law, Oregon politicians draw the boundaries for their own state and congressional districts, a serious conflict of interest that harms voters; and

Whereas state and national level districting and redistricting rules should be determined by a politically neutral entity; and

Whereas Oregon state legislators draw district boundary maps every 10 years based on national census data; and

Whereas in the 2020 census, Oregon is projected to gain another U.S. congressional seat due to population growth, making fair districts more important than ever; and

Whereas 96.3% percent of incumbent politicians were re-elected in the districts they had drawn for themselves year after year; and

Whereas current law allows politicians to draw districts to serve their interests, not those of our communities, dividing places like Clackamas, Salem and Eugene into multiple oddly shaped districts to protect incumbent legislators; and

Whereas the people of Oregon in many communities have no political voice because they have been split into as many as four different districts to protect incumbent legislators; and

Whereas the people of Oregon believe in fairness, accountability and transparency in political processes; and

Whereas fully one in three Oregonians are not registered as either Democrats or Republicans, and have no representation in the Oregon State Assembly or United States Congress; and

Whereas Oregon legislative and congressional districts should be drawn to represent voters from all party affiliations, income levels, backgrounds, identities, and all corners of Oregon; and

Whereas voters across the country – from Arizona to California to Colorado to Michigan – have been moving to reject partisan gerrymandering, adopting reforms to make the redistricting process open and impartial so it is controlled by people, not partisan politicians; and

Whereas an independent Oregon Citizens Redistricting Commission provides a greater opportunity for under-represented communities like low-income Oregonians, persons of color, rural Oregonians and seniors to have a voice in their representation; and

Whereas the people of Oregon, find it necessary to create an independent Citizens Redistricting Commission to draw the state legislative and congressional districts in an impartial and fully transparent manner, that will promote inclusion and representation of all Oregonians; and

Whereas the people of Oregon find it necessary to reform Oregon's congressional redistricting process to account for the projected addition of a new sixth congressional seat with a fair, open, multi-partisan commission to draw districts that represent all voters; and

Whereas the people of Oregon, find it necessary to give otherwise-affiliated voters—whose voices are under-represented in the Oregon State Assembly and the United States Congress—an equal voice and vote on the commission alongside Democrats and Republicans; and

Whereas the people of Oregon, find it necessary to require the independent Citizens Redistricting Commission to draw state legislative and congressional districts based on strict, nonpartisan rules designed to ensure fair representation, and to propose reform that will take redistricting out of the partisan battles of the Oregon Legislative Assembly and guarantees redistricting will be carried out by a group of impartial Oregonians, in open public meetings, without favor to incumbents or parties, and for every aspect of this process to be open to scrutiny by the public and the press; and

Whereas the people of Oregon, find it necessary to create an independent Citizens Redistricting Commission because we believe Oregon voters should choose their representatives—representatives should not choose their voters; and now, therefore,

POLICY AND PURPOSES

PARAGRAPH 1. The Constitution of the State of Oregon is amended by repealing sections 6 and 7, Article IV, and by adopting the following new sections 6 and 7 in lieu thereof, such sections to read:

Sec. 6. (1) The Citizens Redistricting Commission is established. The commission shall consist of twelve commissioners and be created no later than March 15, 2021, and thereafter no later than December 31 in each year ending in the number zero.

(2) The Secretary of State shall adopt rules the secretary considers necessary to facilitate and assist in achieving and maintaining a maximum degree of correctness, impartiality and efficiency in administration of subsections (3) and (5) of this section by the Office of the Secretary of State.

QUALIFICATIONS, DISQUALIFICATIONS

(3)(a) By December 3, 2020, and thereafter August 15 in each year ending in the number nine, the secretary shall initiate a process for individuals to apply for membership on the commission. The process must promote a diverse and qualified applicant pool.

Qualifications

(b) An individual may serve on the commission if the individual:

(A) Is registered to vote in this state;

(B) For the three years preceding the initiation of the application process has been registered in Oregon with the same political party or unaffiliated with a political party; and

(C) Voted in at least two of the three most recent general elections or has been a resident of Oregon for at least the previous three years.

Disqualifications

(c) Notwithstanding paragraph (b) of this subsection, an individual may not serve on the commission if the individual is or, within four years of the initiation of the application process, was:

(A) A holder of or candidate for federal, state, county or other elective office for which the holder receives compensation other than for expenses;

(B) An officer, employee or paid consultant of a political party;

(C)(i) An officer, director or employee of a campaign committee of a candidate for or holder of a federal or state office; or

(ii) A paid contractor or member of the staff of a paid contractor of a campaign committee of a candidate for or holder of a federal or state office.

(D) A member of a political party central committee;

(E) A registered federal, state or local lobbyist;

(F) A paid congressional or legislative employee;

(G) A member of the staff of a holder of a federal or state office;

(H) A legislative or campaign contractor, or staff of the contractor, to a holder of a federal or state office;

(I) An individual who has contributed \$2,700 or more in a calendar year to any single candidate for federal or state office; or

(J) A spouse, parent, child, sibling, in-law or cohabitating member of a household of an individual described in subparagraphs (A) to (I) of this paragraph;

(d) For purposes of this subsection, “state office” means the office of Governor, Secretary of State, State Treasurer, Attorney General, Commissioner of the Bureau of Labor and Industries, state Senator, state Representative, judge or district attorney.

REVIEW PANEL

(4)(a) No later than December 3, 2020, and thereafter January 5 of the year ending in zero, the Chief Administrative Law Judge of the Office of Administrative Hearings or its successor agency, shall designate a Review Panel composed of three administrative law judges to review the applications identified in subsection (5)(a) of this section. Notwithstanding any state law, the chief administrative law judge shall appoint individuals who are reflective of the diversity of this state, including but not limited to racial, ethnic, geographic, and gender diversity, and who possess the most relevant qualifications, including, but not limited to, relevant legal knowledge and decision-making experience, an appreciation for the diversity of the state and an ability to be impartial and promote consensus on the review panel.

(b) The review panel shall include only administrative law judges who have been registered to vote in Oregon and continuously employed by the office of administrative hearings for at least the two years prior to their appointment, who shall be appointed as follows:

(A) One administrative law judge must have been registered for at least the previous two years with the political party with the largest registration in this state.

(B) One administrative law judge must have been registered for at least the previous two years with the political party with the second largest registration in this state;

(C) One administrative law judge must not have been registered for at least the previous two years with either of the two largest political parties in this state.

(c) An administrative law judge may not serve on the review panel if the administrative law judge is an individual described in subsection (3)(c) of this section.

APPLICANT POOL

(5)(a) No later than January 1, 2021, and thereafter March 15 in each year ending with the number zero, after removing applicants with conflicts of interest from the applicant pool as described in subsection (3)(c) of this section, the secretary shall publicize the names of the individuals in the applicant pool in a manner that ensures widespread public access and provide the applications to the review panel.

(b) If the pool of qualified applicants is greater than or equal to 900, the review panel shall randomly select by lot from all of the eligible applicants the names of 300 applicants affiliated with the largest party, 300 applicants affiliated with the second largest party and 300 applicants affiliated with neither of the two largest parties. If any individual sub-pool of eligible applicants contains fewer than 300 applicants, no random selection shall occur for that sub-pool.

(c) No later than February 8, 2021, and thereafter May 15 in each year ending in the number zero, the review panel shall present to the secretary the names of 150 individuals from the applicant pool who possess the most relevant analytical skills, have the ability to be impartial and promote consensus on the commission and demonstrate an appreciation for and are reasonably reflective of the diversity of this state, including but not limited to racial, ethnic, geographic and gender diversity.

(d) The review panel shall choose the individuals for the applicant pool by unanimous vote, with three sub-pools of applicants chosen as follows:

(A) Fifty individuals must be registered with the largest political party in this state;

(B) Fifty individuals must be registered with the second largest political party in this state; and

(C) Fifty individuals must be registered with neither of the two largest political parties in this state.

(e) If fewer than fifty qualified individuals within each sub-pool have applied, the Review Panel shall choose all of the qualified individuals within such sub-pool.

(f) The members of the review panel may not communicate with a member of the Legislative Assembly or the United States Congress, or their agents, about any matter related to the selection of commissioners prior to the presentation of the 150-member applicant pool to the secretary.

RANDOMLY-SELECTED COMMISSIONERS

(6) No later than February 15, 2021, and thereafter July 5 in each year ending in the number zero, at a time and place accessible to members of the public, the secretary shall randomly select by lot six individuals to serve on the commission from the individuals presented under subsections (5)(c) to (e) of this section as follows:

(a) Two individuals must be from the sub-pool of individuals registered with the largest political party in this state;

(b) Two individuals must be from the sub-pool of individuals registered with the second largest political party in this state; and

(c) Two individuals must be from the sub-pool of individuals who are registered with neither of the two largest political parties in this state.

COMMISSIONER-SELECTED COMMISSIONERS

(7)(a) No later than March 15, 2021, and thereafter August 15 in each year ending in the number zero, the six commissioners under subsection (6) of this section shall review the remaining names in the sub-pools and select six additional commissioners. The commissioners shall, without the use of specific ratios or formulas, select additional commissioners who possess the most relevant analytical skills, have the ability to be impartial and promote consensus on the commission and demonstrate an appreciation for and are reasonably reflective of the diversity of this state, including but not limited to racial, ethnic, geographic and gender diversity. When selecting the six additional commissioners, the commissioners may take into account the additional commissioners' experience in organizing, representing, advocating for, adjudicating the interest of or actively participating in groups, organizations or associations in Oregon. The selection shall occur as follows:

(A) Two individuals must be from the sub-pool of individuals registered with the largest political party in this state;

(B) Two individuals must be from the sub-pool of individuals registered with the second largest political party in this state; and

(C) Two individuals must be from the sub-pool of individuals who are registered with neither of the two largest political parties in this state.

(b) Approval of the six additional commissioners requires four affirmative votes of the six initial commissioners, including at least one vote cast by a commission member registered with the largest political party in this state, one vote cast by a commission member registered with the second largest political party in this state and one cast by a commission member who is registered with neither of the two largest political parties in this state.

REMOVAL

(8) The Governor may remove a member of the commission in the event of a substantial neglect of duty or gross misconduct in office, or if a commission member is unable to discharge the duties of the office.

(a) To remove a member, the Governor must:

(A) Serve the member with written notice;

(B) Provide the member with an opportunity to respond; and

(C) Obtain concurring votes from two-thirds of the members of the Senate, which shall convene in special session if necessary.

(b) The member may contest the removal by means of an evidentiary hearing in circuit court in an action in the manner of an action for a declaratory judgment. The circuit court's determination shall take precedence over other matters before the circuit court. Any party may appeal the decision of the circuit court directly to the Supreme Court, which shall accord the highest priority to the matter.

(c) The removal, if contested by the member, shall not be effective until judicial review is concluded.

VACANCY

(9)(a) If a position among the first six randomly selected commissioners on the commission becomes vacant, the commission shall fill the vacancy within 30 days by randomly selecting an appointee from the same sub-pool from which the vacating member was selected. If a position among the final six appointed commissioners becomes vacant, the commission shall fill the vacancy within 30 days by a vote of a simple majority of the remaining commissioners, with at least one commissioner affiliated with each of the two largest political parties in this state and one cast by a commissioner who is registered with neither of the two largest political parties in this state.

(b) If no individual in the applicable sub-pool is available to serve, the review panel shall establish a new sub-pool as provided in subsection (5)(d) of this section, and the commission shall fill the vacancy from the new sub-pool.

HIRING; COMPENSATION; REIMBURSEMENT

(10)(a) The commission shall make all purchasing and hiring decisions and shall hire commission staff, legal counsel and consultants as needed. The commission shall establish clear criteria for the hiring and removal of individuals, conflicts of interest, communication protocols and a code of conduct. A member of the staff or a contractor of the commission or the secretary may not serve the commission or the review panel designated under subsection (4) of this section if the staff member or contractor is an individual described in subsection (3)(c) of this section other than by virtue of the individual being an employee or contractor of the secretary.

(b) The secretary shall provide staff and office support to the commission and the commission staff as needed.

(c)(A) For each day a member is engaged in the business of the commission, the member shall be compensated at a rate equivalent to the amount fixed for per diem allowance that is authorized by the United States Internal Revenue Service to be excluded from gross income without itemization.

(B) For each day a member of the review panel or a member of the commission is engaged in the business of the commission, the member shall receive mileage and reimbursement for other reasonable travel expenses.

(d)(A) An employer may not discharge, threaten to discharge, intimidate, coerce or retaliate against any employee by reason of the employee's service as a commissioner or staff of commission.

(B) If the employment of a member of the commission is interrupted because of the performance of official duties as a member of the commission, the member's employer shall restore the member to the employment status the member would have enjoyed if the member had continued in employment during the performance of the official duties.

(C) Subparagraph (B) of this paragraph does not apply if the employer is a small business. As used in this subparagraph, "small business" means an independent business with fewer than 20 employees and with average annual gross receipts over the last three years not exceeding \$1 million for construction firms and \$300,000 for nonconstruction firms. "Small business" does not include a subsidiary or parent company belonging to a group of firms that are owned and controlled by the same individuals and that have average aggregate annual gross receipts in excess of \$1 million for construction firms or \$300,000 for nonconstruction firms over the last three years.

(D) Prior to the initiation of the process for individuals to apply for membership on the commission in each year ending with the number nine, the dollar amounts specified in subparagraph (C) of this paragraph shall be increased or decreased by the secretary based upon any increase or decrease in the Consumer Price Index for All Urban Consumers, West Region (All Items), as published by the Bureau of Labor Statistics of the United States Department of Labor or its successor during the preceding 10-year period. The amount determined under this subparagraph shall be rounded to the nearest \$1,000.

TERM OF SERVICE

(11)(a) Commissioners shall serve a term of office that expires upon the appointment of the first member of the succeeding commission. Other than activities expressly authorized by this section and section 7 of this Article, the commission shall only expend funds if there is active litigation or other ongoing commission business.

(b) During the term of office of the commissioners or for a period of three years after resignation or removal, a member of the commission may not:

(A) Hold, or be a candidate for, federal, state, county or other elective office for which the holder receives compensation other than expenses;

(B) Serve in an office for which the holder is appointed or selected by the Legislative Assembly or Congress or a member, committee or house of the Legislative Assembly or Congress;

(C) Receive compensation for serving as a consultant or advisor to a candidate for the Legislative Assembly or Congress or to a member, or committee or house of the Legislative Assembly or Congress; or

(D) Receive compensation for lobbying the Legislative Assembly or Congress.

BUDGET; DATABASE

(12) The Legislative Assembly shall:

(a) Appropriate the funds necessary to permit the commission to fulfill the commission's obligations. For the first year of the redistricting process, the Legislative Assembly shall dedicate funds

for the commission from general tax revenues otherwise available for the operation of the Legislative Assembly. For the first year of the redistricting process, the Legislative Assembly shall appropriate or allocate funds to the commission in an amount not less than the Legislative Assembly appropriates or allocates to the legislative branch for redistricting in the 2019 – 21 biennium. In all future redistricting cycles, the appropriation may not be less than the amount appropriated in the previous redistricting cycle. If new expenditures are required, the dedicated funding source for the commission shall be the income tax. If, after the conclusion of any litigation involving the redistricting, the appropriations to the commission exceed the expenses of the commission, the commission shall return the excess to the General Fund.

(b) Make available a complete and accurate computerized database and precinct shapefiles, for redistricting to the commission.

(13) Except for an Act appropriating monies in a manner described in subsection (12) of this section, the Legislative Assembly may enact an Act that directly impacts the functioning of the commission only when:

(a) The commission recommends by a vote meeting the requirements set forth in paragraph (c) of subsection (2) of section 7 of this Article that the Legislative Assembly enact an Act in order to enhance the ability of the commission to carry out the purposes of the commission;

(b) The commission provides language for the Act to the Legislative Assembly; and

(c) The Legislative Assembly enacts the exact language provided under paragraph (b) of this subsection.

Sec. 7. (1) The Citizens Redistricting Commission shall:

(a) Conduct an open and transparent process enabling full public participation, including public consideration of and comment on the drawing of state legislative and congressional district lines.

(b) Draw district lines according to the redistricting criteria specified in this section.

(c) Conduct all business of the commission with integrity, impartiality and fairness in a manner that reinforces public confidence in the integrity of the redistricting process, including adopting rules that further these purposes.

QUORUM; CHAIR; VOTING

(2)(a) Seven commissioners constitutes a quorum for the conduct of business.

(b) The commission shall select, by a majority vote, one member to serve as chair and one member to serve as vice chair. The chair and vice chair may not be of the same political affiliation.

(c) Official action by the commission requires an affirmative vote by seven or more commissioners.

(d) Approval of the final redistricting maps described in subsection (6) of this section requires seven or more affirmative votes, including at least one vote cast by a commission member registered with the largest political party in this state, one vote cast by a commission member registered with the second

largest political party in this state and one cast by a member who is registered with neither of the two largest political parties in this state.

(e) No more than three commissioners may discuss the business of the commission other than in a public meeting.

TRANSPARENCY; PUBLIC INPUT

(3)(a) The commission shall provide at least 14 days' public notice for each meeting or hearing, except that meetings held within 15 days of August 15, in the year ending in the number one may be held with three days' notice. In the event that the commission must re-convene following a court order according to subsection (7)(d) of this section, meetings and hearings may be held with three days' notice.

(b)(A) The records of the commission pertaining to redistricting and all data considered by the commission in redistricting are public records.

(B) The commission must post records and data in a manner that ensures immediate and widespread public access.

(c) A member of the commission or commission staff or commission consultant may not communicate with an individual who is not a member of the commission or commission staff or commission consultant about redistricting other than in a public hearing. Any written communications regarding redistricting received by a member of the commission or commission staff or a commission consultant shall be considered a public record and shall be made available in a manner that ensures widespread public access.

MAPPING CRITERIA

(4)(a) The commission shall use a mapping process to establish districts for the state Senate and House of Representatives and congressional districts, using the following criteria, to:

(A) Comply with provisions of the United States Constitution and the federal Voting Rights Act (42 U.S.C. 1971 et seq.) or its successor law.

(B) Achieve population equality as nearly as practicable using the total population of Oregon as determined by the decennial census preceding the redistricting process.

(C) Be geographically contiguous.

(D) To the extent practicable, and if possible without conflicting with the criteria set forth in subparagraphs (A), (B) and (C) of this paragraph, respect the geographic integrity and minimize the division of a city, county, local neighborhood, government jurisdiction or community of interest or other contiguous population that shares common social and economic interests and is cohesive for purposes of its effective and fair representation.

(E) To the extent practicable, and if possible without conflicting with the criteria set forth in subparagraphs (A), (B) and (C) of this paragraph, achieve competitiveness.

(b) The commission shall determine and adopt a measure or measures of competitiveness, as defined in paragraph (d) of this subsection, prior to any vote or discussion regarding any legislative or

congressional district plans or proposals. The commission shall then apply such measure or measures when adopting legislative or congressional district plans or proposals.

(c) When establishing districts under this subsection, the commission may not:

(A) Consider the place of residence of a holder of or candidate for public office;

(B) Favor or discriminate against a holder of or candidate for public office or a political party; or

(C) Create a district for the purpose of or with the effect of diluting the voting strength of any language or ethnic identity group.

(d) As used in this subsection:

(A) Common social and economic interests are those common to an urban area, a rural area, an industrial area or an agricultural area and those common to areas in which individuals share similar living standards, use the same transportation facilities, reside in the same watershed, have similar work opportunities or have access to the same media of communication relevant to the election process. Common social and economic interests do not include relationships with political parties, incumbents or political candidates.

(B) Competitiveness means that voting blocs, including partisan and non-affiliated voters, must be substantially and similarly able to translate their popular support into representation in an elected body and that such representation is substantially and similarly reflective of shifts in the electorate's preferences.

HEARINGS

(5)(a) The commission shall hold at least 10 public hearings at locations throughout the state prior to proposing a redistricting plan.

(b) In addition to the hearings required under paragraph (a) of this subsection, the commission shall:

(A) Hold at least five public hearings after a redistricting plan is proposed, but before the plan is adopted; and

(B) Conduct the hearings required under this subsection in each congressional district of this state, specifically at least one hearing in each of Oregon's regions, including coastal, Portland, Willamette Valley, southern, central, and east of the Cascades.

(c) The adoption of a redistricting plan may not be delayed by the impracticability of holding one or more of the hearings required under this subsection.

(d) In holding the hearings required under paragraphs (a) and (b) of this subsection, the commission must:

(A) Provide appropriate public notice of the time and location of each hearing in a manner that ensures widespread public access;

(B) Hold at least one hearing required under paragraph (a) of this subsection and one hearing required under paragraph (b) of this subsection in areas that have experienced the largest shifts in population since the previous redistricting and prioritize holding additional public hearings in these areas; and

(C) Permit and make provision for individuals at remote sites throughout the state to provide public testimony at the hearings through the use of video technology.

ADOPTION OF FINAL MAPS – TIMING, REPORT

(6)(a) No later than August 15 in each year ending in the number one, the commission shall approve final maps that separately set forth the district boundary lines for congressional districts and district boundary lines for the Senate and the House of Representatives.

(b) The commission shall issue, with the final maps, a report that includes an explanation of the basis on which the commission established the districts, responded to public input, and achieved compliance with the criteria listed in subsection (4) of this section and definitions of the terms and standards used in drawing each final map.

(c) If the commission does not approve a final map under subsection (2) of this section, any group of four or more commissioners including at least one commissioner from each sub-pool may submit a map to the Supreme Court by August 29.

COURT REVIEW

(7)(a) The Supreme Court shall adopt rules of procedure for review of redistricting maps. The Supreme Court's review shall take precedence over other matters before the Supreme Court.

(b) Any voter registered in this state may file with the Supreme Court a petition for review of final maps approved by the commission. The petition must be filed on or before September 1.

(c) If the Supreme Court determines that a map approved by the commission under subsection (6)(a) of this section substantially complies with the criteria set forth in subsection (4) of this section, the Supreme Court shall approve the map, which shall go into effect.

(d) If the Supreme Court determines a map approved by the commission under subsection (6)(a) of this section does not substantially comply with the criteria set forth in subsection (4) of this section, the Supreme Court shall remand the map to the commission for correction. The commission shall submit a corrected map within 14 days of the issuance of the remand. If the Supreme Court approves the corrected map, the corrected map shall go into effect. If the Supreme Court does not approve the corrected map, the Supreme Court shall remand the map to the commission for correction. The process of correction and approval or remand shall repeat until the Supreme Court approves a corrected map.

(e) To assist the Supreme Court in reviewing maps, the Supreme Court may appoint a special master and vest the special master with the powers needed to assist the Supreme Court. The powers of the special master shall not include the development of alternative maps.

(f) If one or more maps are submitted under subsection (6)(c) of this section, the Supreme Court shall:

(A) Establish a process for interested persons to become parties;

(B) Review all submitted maps for compliance with the criteria set forth in subsection (4) of this section; and

(C) Select the submitted map that best complies with the criteria set forth in subsection (4) of this section.

(g) The map selected by the Supreme Court shall go into effect without any further action by the commission.

(h) The Supreme Court must complete review or selection of redistricting maps by December 31 of the year in which the maps are due to be certified by the commission under subsection (6) of this section.

(i) Notwithstanding any other law, the Supreme Court has original and exclusive jurisdiction in all proceedings in which a certified final map is challenged.

SUPERSEDEDENCE, SEVERABILITY

(8) The provisions of this amendment supersede any section of this Constitution with which the provision may conflict. If any provision of this amendment is held to be invalid, the court shall sever the provision and the remaining provisions shall remain in full force and effect.



EXHIBIT B

TIME

The Coronavirus Outbreak Is Now a Public Health Emergency of International Concern. Here's What That Means

BY JAMIE DUCHARME

JANUARY 30, 2020 4:44 PM EST

The World Health Organization (WHO) took the rare step Thursday of declaring a novel coronavirus outbreak that originated in Wuhan, China a public health emergency of international concern (PHEIC). But what does that actually mean?

The WHO defines a PHEIC as an “extraordinary event” that “constitute[s] a public health risk to other States through the international spread of disease” and “potentially require[s] a coordinated international response.” Since that framework was defined in 2005—two years after another coronavirus, severe acute respiratory syndrome (SARS), spread through China—it has been used only six times: for outbreaks of “swine flu” in 2009, polio in 2014, Ebola in 2014, Zika virus in 2016, Ebola in 2019 and, now, coronavirus in 2020.

Sign up for our daily coronavirus newsletter by clicking on this link, and please send any tips, leads, and stories to virus@time.com.

A PHEIC is meant to mobilize international response to an outbreak. It’s an opportunity for the WHO, with guidance from its International Health regulations emergency committee, to implement non-binding but practically

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Why You Should Get Whichever COVID-19 Vaccine You Can
 & politically significant measures that can address travel, trade, quarantine, testing, treatment. WHO can also set global standards of practice,” the organization tweeted.

→ Get more TIME. Create a free account. Go Now.

World Health Organization (WHO) @WHO · Jan 30, 2020

NEXT UP: EDITOR'S PICK

Why Do We Dream?

The Committee emphasized that the declaration of a public health emergency shld be seen in the spirit of support & appreciation for , its people & the actions. has taken on the frontlines of this outbreak, with transparency, and, it is to be hoped, with success -Dr Houssin

World Health Organization (WHO) @WHO

What does Public Health Emergency of Intl Concern means?

WHO issues temporary recommendations. These are non-binding but practically & politically significant measures that can address travel, trade, quarantine, screening, treatment. WHO can also set global standards of practice

3:01 PM · Jan 30, 2020

990 741 Copy link to Tweet

WHO Director-General Dr. Tedros Adhanom Ghebreyesus emphasized that, at its core, a PHEIC is about prompting countries to work together to contain a threat. It is not about punishing China, nor doubting its ability to contain the outbreak, he said at a press conference Thursday.

“This declaration is not because China is not doing what it can,” Ghebreyesus said. “It’s actually doing more than what China is required to do. [The PHEIC is about] protecting countries with weaker health systems.”

In this case, the WHO advises countries not to unnecessarily restrict travel and trade to China; to support nations with weaker health systems; accelerate the development of vaccines and treatments; stop the spread of rumors and

READ NEXT

share knowledge with the WHO and other countries; and work together “in a spirit of solidarity and cooperation.”

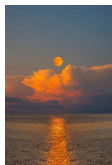
Why You Should Get Whichever COVID-19 Vaccine You Can



In a statement also released Thursday, the Global Preparedness Monitoring
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NEXT UP: EDITOR'S PICK

crises, encouraged nations to invest in their own public health and outbreak
response systems while supporting the WHO's Contingency Fund for
emergencies. Countries are not compelled to contribute based on the PHEIC
designation, but Ghebreyesus tweeted that the WHO "welcome[s] their call for
countries to sustainably finance WHO's preparedness and response activities."



Why Do We Dream?

The Coronavirus Brief.

Everything you need to know about the global spread of COVID-19

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WRITE TO JAMIE DUCHARME AT JAMIE.DUCHARME@TIME.COM.

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Why You Should Get Whichever COVID-19 Vaccine You Can

EXHIBIT C

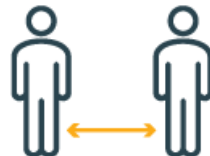


COVID-19

ACT NOW!



WEAR A MASK



STAY 6 FEET APART



AVOID CROWDS

How to Protect Yourself & Others

Updated Dec. 31, 2020

[Print](#)

Older adults and people who have certain underlying conditions like heart or lung disease or diabetes are at increased risk of severe illness from COVID-19 illness. More information on [Are you at higher risk for serious illness](#).

Three Important Ways to Slow the Spread

- Wear a [mask](#) to protect yourself and others and stop the spread of COVID-19.
- [Stay at least 6 feet \(about 2 arm lengths\)](#) from others who don't live with you.
- Avoid crowds. The more people you are in contact with, the more likely you are to be exposed to COVID-19.

Cases in the last 7 days

1,222,340



Wear a mask over your nose and mouth

- Masks help prevent you from getting or spreading the virus.
- You could spread COVID-19 to others even if you do not feel sick.
- Everyone should wear a [mask](#) in public settings and when around people who don't live in your household, especially when other [social distancing](#) measures are difficult to maintain.
 - Masks should not be placed on young children under age 2, anyone who has trouble breathing, or is unconscious, incapacitated or otherwise unable to remove the mask without assistance.
- Do NOT use a mask meant for a healthcare worker. Currently, surgical masks and N95 respirators are critical supplies that should be reserved for healthcare workers and other first responders.
- Continue to keep about 6 feet between yourself and others. The mask is not a substitute for social distancing.



Stay 6 feet away from others

- **Inside your home:** Avoid close contact with people who are sick.
 - If possible, maintain 6 feet between the person who is sick and other household members.
- **Outside your home:** Put 6 feet of distance between yourself and people who don't live in your household.
 - Remember that some people without symptoms may be able to spread virus.
 - [Stay at least 6 feet \(about 2 arms' length\) from other people.](#)

- Keeping distance from others is especially important for [people who are at higher risk of getting very sick](#).

Avoid crowds

- Being in crowds like in restaurants, bars, fitness centers, or movie theaters put you at higher risk for COVID-19.

Avoid poorly ventilated spaces

- Avoid indoor spaces that do not offer fresh air from the outdoors as much as possible. If indoors, bring in fresh air by opening windows and doors, if possible.



Wash your hands often

- [Wash your hands](#) often with soap and water for at least 20 seconds especially after you have been in a public place, or after blowing your nose, coughing, or sneezing.
- It's especially important to wash:
 - Before eating or preparing food
 - Before touching your face
 - After using the restroom
 - After leaving a public place
 - After blowing your nose, coughing, or sneezing
 - After handling your mask
 - After changing a diaper
 - After caring for someone sick
 - After touching animals or pets
- If soap and water are not readily available, **use a hand sanitizer that contains at least 60% alcohol**. Cover all surfaces of your hands and rub them together until they feel dry.
- **Avoid touching your eyes, nose, and mouth** with unwashed hands.



Cover coughs and sneezes

- **Always cover your mouth and nose** with a tissue when you cough or sneeze or use the inside of your elbow and do not spit.
- **Throw used tissues** in the trash.
- Immediately **wash your hands** with soap and water for at least 20 seconds. If soap and water are not readily available, clean your hands with a hand sanitizer that contains at least 60% alcohol.



Clean and disinfect

- **Clean AND disinfect frequently touched surfaces daily**. This includes tables, doorknobs, light switches, countertops, handles, desks, phones, keyboards, toilets, faucets, and sinks.
- **If surfaces are dirty, clean them**. Use detergent or soap and water prior to disinfection.
- **Then, use a household disinfectant**. Use products from [EPA's List N: Disinfectants for Coronavirus \(COVID-19\)](#) [↗](#) according to manufacturer's labeled directions.



Monitor Your Health Daily

- **Be alert for symptoms**. Watch for fever, cough, shortness of breath, or [other symptoms of COVID-19](#).
 - Especially important if you are [running essential errands](#), going into the office or workplace, and in settings where it may be difficult to keep a [physical distance of 6 feet](#).

settings where it may be difficult to keep a physical distance of 6 feet.

- **Take your temperature** if symptoms develop.
 - Don't take your temperature within 30 minutes of exercising or after taking medications that could lower your temperature, like acetaminophen.
- Follow [CDC guidance](#) if symptoms develop.



Protect Your Health This Flu Season

It's likely that flu viruses and the virus that causes COVID-19 will **both** spread this fall and winter. Healthcare systems could be overwhelmed treating both patients with flu and patients with COVID-19. This means getting a flu vaccine during 2020-2021 is more important than ever.

While getting a flu vaccine will not protect against COVID-19 there are many important benefits, such as:

1. Flu vaccines have been shown to reduce the risk of flu illness, hospitalization, and death.
2. Getting a flu vaccine can also save healthcare resources for the care of patients with COVID-19.

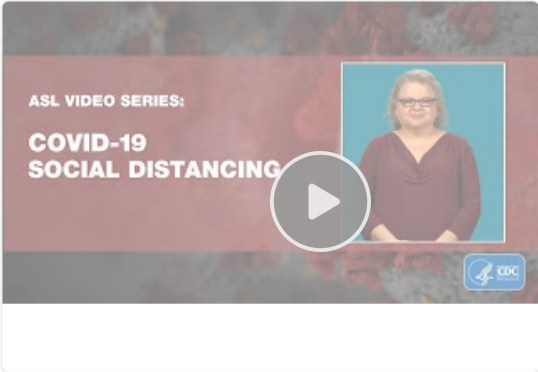
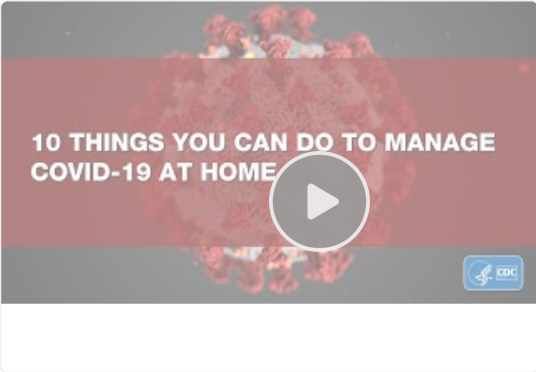
I wear a mask because...

CDC staff give their reasons for wearing a mask.

Wear a mask because...



Handwashing Resources



More information

Symptoms

What to do if you are sick

If someone in your house gets sick

Frequently asked questions

Travelers

Individuals, schools, events, businesses and more

Healthcare Professionals

Last Updated Dec. 31, 2020

EXHIBIT D



Coronavirus Disease 2019 (COVID-19)

Cleaning and Disinfection for Community Facilities

Interim Recommendations for U.S. Community Facilities with Suspected/Confirmed Coronavirus Disease 2019 (COVID-19)

Updated Sept. 10, 2020 [Print](#)

Background

There is much to learn about the novel coronavirus (SARS-CoV-2) that causes [coronavirus disease 2019](#) (COVID-19). Based on what is currently known about the virus and about similar coronaviruses that cause SARS and MERS, spread from person-to-person happens most frequently among close contacts (within about 6 feet). This type of transmission occurs via respiratory droplets, but disease transmission via infectious aerosols is currently uncertain. Transmission of SARS-CoV-2 to persons from surfaces contaminated with the virus has not been documented. Transmission of coronavirus occurs much more commonly through respiratory droplets than through objects and surfaces, like doorknobs, countertops, keyboards, toys, etc. Current evidence suggests that SARS-CoV-2 may remain viable for hours to days on surfaces made from a variety of materials. Cleaning of visibly dirty surfaces followed by disinfection is a best practice measure for prevention of COVID-19 and other viral respiratory illnesses in community settings.

It is unknown how long the air inside a room occupied by someone with confirmed COVID-19 remains potentially infectious. Facilities will need to consider factors such as the size of the room and the ventilation system design (including flowrate [air changes per hour] and location of supply and exhaust vents) when deciding how long to close off rooms or areas used by ill persons before beginning disinfection. Taking measures to improve ventilation in an area or room where someone was ill or suspected to be ill with COVID-19 will help shorten the time it takes respiratory droplets to be removed from the air.

Purpose

This guidance provides recommendations on the cleaning and disinfection of rooms or areas occupied by those with suspected or with confirmed COVID-19. It is aimed at limiting the survival of SARS-CoV-2 in key environments. These recommendations will be updated if additional information becomes available.

These guidelines are focused on community, non-healthcare facilities such as schools, institutions of higher education, offices, daycare centers, businesses, and community centers that do, and do not, house persons overnight. These guidelines are not meant for [cleaning staff in healthcare facilities](#) or repatriation sites, [households](#), or for others for whom specific guidance already exists.

Definitions

- *Community facilities* such as schools, daycare centers, and businesses comprise most non-healthcare settings that are visited by the general public outside of a household.
- *Cleaning* refers to the removal of dirt and impurities, including germs, from surfaces. Cleaning alone does not kill germs. But by removing the germs, it decreases their number and therefore any risk of spreading infection.
- *Disinfecting* works by using chemicals, for example EPA-registered disinfectants, to kill germs on surfaces. This process does not necessarily clean dirty surfaces or remove germs. But killing germs remaining on a surface after cleaning further reduces any risk of spreading infection.

https://www.cdc.gov/coronavirus/2019-ncov/community/organizations/cleaning-disinfection.html

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About this capture

2,521 captures

8 Mar 2020 - 24 Jan 2021

Been in the Facility

Timing and location of cleaning and disinfection of surfaces

- At a school, daycare center, office, or other facility that **does not house people overnight**:
 - Close off areas visited by the ill persons. Open outside doors and windows and use ventilating fans to increase air circulation in the area. Wait 24 hours or as long as practical before beginning cleaning and disinfection.
 - **Cleaning staff should clean and disinfect all areas such as offices, bathrooms, common areas, shared electronic equipment (like tablets, touch screens, keyboards, remote controls, and ATM machines) used by the ill persons, focusing especially on frequently touched surfaces.**
- At a facility that **does house people overnight**:
 - Follow Interim Guidance for [US Institutions of Higher Education](#) on working with state and local health officials to isolate ill persons and provide temporary housing as needed.
 - Close off areas visited by the ill persons. Open outside doors and windows and use ventilating fans to increase air circulation in the area. Wait 24 hours or as long as practical before beginning cleaning and disinfection.
 - In areas where ill persons are being housed in isolation, follow [Interim Guidance for Environmental Cleaning and Disinfection for U.S. Households with Suspected or Confirmed Coronavirus Disease 2019](#). This includes **focusing on cleaning and disinfecting common areas where staff/others providing services may come into contact with ill persons but reducing cleaning and disinfection of bedrooms/bathrooms used by ill persons to as-needed.**
 - In areas where ill persons have visited or used, continue routine cleaning and disinfection as in this guidance.
- If it has been more than 7 days since the person with suspected/confirmed COVID-19 visited or used the facility, additional cleaning and disinfection is not necessary.

How to Clean and Disinfect

Hard (non-porous) surfaces

- Wear disposable gloves when cleaning and disinfecting surfaces. Gloves should be discarded after each cleaning. If reusable gloves are used, those gloves should be dedicated for cleaning and disinfection of surfaces for COVID-19 and should not be used for other purposes. Consult the manufacturer's instructions for cleaning and disinfection products used. [Clean hands](#) immediately after gloves are removed.
- If surfaces are dirty, they should be cleaned using a detergent or soap and water prior to disinfection.

Always read and follow the directions on the label to ensure safe and effective use.

- Wear skin protection and consider eye protection for potential splash hazards
- Ensure adequate ventilation
- Use no more than the amount recommended on the label
- Use water at room temperature for dilution (unless stated otherwise on the label)
- Avoid mixing chemical products
- Label diluted cleaning solutions
- Store and use chemicals out of the reach of children and pets

You should never eat, drink, breathe or inject these products into your body or apply directly to your skin as they can cause serious harm. Do not wipe or bathe pets with these products or any other products that are not approved for animal use.

See [EPA's 6 steps for Safe and Effective Disinfectant Use](#).

Special considerations should be made for people with asthma and they should not be present when cleaning and disinfecting is happening as this can trigger asthma exacerbations. [Learn more about reducing asthma triggers.](#)

https://www.cdc.gov/coronavirus/2019-ncov/community/organizations/cleaning-disinfection.html

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About this capture

COVID 19. Follow the manufacturer's instructions for all cleaning and disinfection products. Read the product label for the correct concentration to use, application method, and contact time.

- Diluted household bleach solutions can be used if appropriate for the surface. Unexpired household bleach will be effective against coronaviruses when properly diluted:
 - Use bleach containing 5.25%–8.25% sodium hypochlorite. Do not use a bleach product if the percentage is not in this range or is not specified.
 - Follow the manufacturer's application instructions for the surface, ensuring a contact time of at least 1 minute.
 - Ensure proper ventilation during and after application.
 - Check to ensure the product is not past its expiration date.
 - Never mix household bleach with ammonia or any other cleanser. This can cause fumes that may be very dangerous to breathe in.
- Prepare a bleach solution by mixing:
 - 5 tablespoons (1/3rd cup) of 5.25%–8.25% bleach per gallon of room temperature water or
 - 4 teaspoons of 5.25%–8.25% bleach per quart of room temperature water
- Bleach solutions will be effective for disinfection up to 24 hours.
- Alcohol solutions with at least 70% alcohol may also be used.
- **Cleaning staff and others should clean hands often**, including immediately after removing gloves and after contact with an ill person, by washing hands with soap and water for 20 seconds. If soap and water are not available and hands are not visibly dirty, an alcohol-based hand sanitizer that contains at least 60% alcohol may be used. However, if hands are visibly dirty, always wash hands with soap and water.

Always read and follow the directions on the label to ensure safe and effective use.

- Keep hand sanitizers away from fire or flame
- For children under six years of age, hand sanitizer should be used with adult supervision
- Always store hand sanitizer out of reach of children and pets

See [FDA's Tips for Safe Sanitizer Use](#) and [CDC's Hand Sanitizer Use Considerations](#)

- Follow normal preventive actions while at work and home, including cleaning hands and avoiding touching eyes, nose, or mouth with unwashed hands.
 - Additional key times to clean hands include:
 - After blowing one's nose, coughing, or sneezing.
 - After using the restroom.
 - Before eating or preparing food.
 - After contact with animals or pets.
 - Before and after providing routine care for another person who needs assistance such as a child.

Soft (porous) surfaces

- For soft (porous) surfaces such as carpeted floor, rugs, and drapes, remove visible contamination if present and clean with appropriate cleaners indicated for use on these surfaces. After cleaning:
 - If the items can be laundered, launder items in accordance with the manufacturer's instructions using the warmest appropriate water setting for the items and then dry items completely.
 - Otherwise, use products [that are EPA-approved for use against the virus that causes COVID-19](#) and that are suitable for porous surfaces

Electronics

https://www.cdc.gov/coronavirus/2019-ncov/community/organizations/cleaning-disinfection.html

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About this capture

- Follow the manufacturer's instructions for all cleaning and disinfection products.
- Consider use of wipeable covers for electronics.
- If no manufacturer guidance is available, consider the use of alcohol-based wipes or sprays containing at least 70% alcohol to disinfect touch screens. Dry surfaces thoroughly to avoid pooling of liquids.

Linens, clothing, and other items that go in the laundry

- In order to minimize the possibility of dispersing virus through the air, do not shake dirty laundry.
- Wash items as appropriate in accordance with the manufacturer's instructions. If possible, launder items using the warmest appropriate water setting for the items and dry items completely. Dirty laundry that has been in contact with an ill person can be washed with other people's items.
- Clean and disinfect hampers or other carts for transporting laundry according to guidance above for hard or soft surfaces.

Personal Protective Equipment (PPE) and Hand Hygiene

- **The risk of exposure to cleaning staff is inherently low. Cleaning staff should wear disposable gloves and gowns for all tasks in the cleaning process, including handling trash.**
 - Gloves and gowns should be compatible with the disinfectant products being used.
 - Additional PPE might be required based on the cleaning/disinfectant products being used and whether there is a risk of splash.
 - Gloves and gowns should be removed carefully to avoid contamination of the wearer and the surrounding area. Be sure to **clean hands** after removing gloves.
 - If gowns are not available, coveralls, aprons or work uniforms can be worn during cleaning and disinfecting. Reusable (washable) clothing should be laundered afterwards. Clean hands after handling dirty laundry.
- Gloves should be removed after cleaning a room or area occupied by ill persons. **Clean hands** immediately after gloves are removed.
- Cleaning staff should immediately report breaches in PPE such as a tear in gloves or any other potential exposures to their supervisor.
- **Cleaning staff and others should **clean hands often****, including immediately after removing gloves and after contact with an ill person, by washing hands with soap and water for 20 seconds. If soap and water are not available and hands are not visibly dirty, an alcohol-based hand sanitizer that contains at least 60% alcohol may be used. However, if hands are visibly dirty, always wash hands with soap and water.
- Follow normal preventive actions while at work and home, including cleaning hands and avoiding touching eyes, nose, or mouth with unwashed hands.
 - Additional key times to clean hands include:
 - After blowing one's nose, coughing, or sneezing.
 - After using the restroom.
 - Before eating or preparing food.
 - After contact with animals or pets.
 - Before and after providing routine care for another person who needs assistance such as a child.

Additional Considerations for Employers

- Employers should work with their local and state health departments to ensure appropriate local protocols and guidelines, such as updated/additional guidance for cleaning and disinfection, are followed, including for identification of new potential cases of COVID-19.
- Employers should educate staff and workers performing cleaning, laundry, and trash pick-up activities to recognize the symptoms of COVID-19 and provide instructions on what to do if they develop **symptoms** within 14 days after their last possible exposure to the virus. At a minimum, any staff should immediately notify their supervisor and the local health

https://www.cdc.gov/coronavirus/2019-ncov/community/organizations/cleaning-disinfection.html

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- Employers should develop policies for worker protection and provide training to all cleaning staff on site prior to providing cleaning tasks. Training should include when to use PPE, what PPE is necessary, how to properly don (put on), use, and doff (take off) PPE, and how to properly dispose of PPE.
- Employers must ensure workers are trained on the hazards of the cleaning chemicals used in the workplace in accordance with OSHA’s Hazard Communication standard ([29 CFR 1910.1200](#)).
- Employers must comply with OSHA’s standards on Bloodborne Pathogens ([29 CFR 1910.1030](#)), including proper disposal of regulated waste, and PPE ([29 CFR 1910.132](#)).

Additional Resources

- [OSHA COVID-19 Website](#)
- [CDC Home Care Guidance](#)
- [CDC COVID-19 Environmental Cleaning and Disinfection Guidance for Households](#)
- [CDC Home Care Guidance for People with Pets](#)
- [Find Answers to Common Cleaning and Disinfection Questions](#)
- [EPA’s 6 Steps for Safe and Effective Disinfectant Use](#)

Last Updated Sept. 10, 2020

EXHIBIT E

Temporary Rule Addressing COVID-19 Workplace Risks

Oregon Occupational Safety and Health Division

Oregon Administrative Rules

AO 4-2020

Division 1

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Temporary Rule Addressing COVID-19 Workplace Risks

Oregon Occupational Safety and Health Division

Oregon Administrative Rules

AO 4-2020

Division 1

437-001-0744 Addressing COVID-19 Workplace Risks

Unless otherwise indicated, the rule's provisions take effect November 16, 2020. The rule will remain in effect until May 4, 2021, unless revised or repealed before that date.

(1) Scope and Application

- (a) This rule applies to all employees working in places of employment subject to Oregon OSHA's jurisdiction. For clarity and ease of reference, this rule refers to "COVID-19" when describing exposures or potential exposures to SARS-CoV-2, the virus that causes Coronavirus Disease 2019.
- (b) The requirements of section (3) of this rule are applicable to all workplaces.
- (c) In addition to the requirements of section (3), the requirements of section (4) of this rule are applicable to all exceptional risk workplaces. For purposes of this rule, "workplaces at exceptional risk," include any setting (whether a healthcare setting or not) where an employee (including temporary and part-time employees) performs one or any combination of the following job duties:
 - (A) Direct patient care;
 - (B) Environmental decontamination services in a healthcare setting;
 - (C) Aerosol-generating healthcare or postmortem procedures;
 - (D) Direct client service in residential care or assisted living facilities;
 - (E) Emergency first responder activities;
 - (F) Personal care activities that involve very close contact with an individual, such as toileting or bathing; or
 - (G) Handling, packaging, cleaning, processing, or transporting human remains or human tissue specimens or laboratory cultures collected from an individual known or suspected to be infected with COVID-19.

Note: "Exceptional risk" does not include workers of other departments or job duties outside the scope and underlying definitions of (1)(c) of this rule. For example, employees in the accounting department at a hospital would be covered by the requirements applicable to all workplaces, while other workers at the same hospital who actually perform any of those job operations listed under (1)(c), such as direct patient care, would be subject to the supplementary requirements for workplaces at exceptional risk in addition to the requirements for all workplaces.

(2) Definitions

Temporary Rule Addressing COVID-19 Workplace Risks

Division 1

AO 4-2020

Oregon Administrative Rules

Oregon Occupational Safety and Health Division

- (a) **Aerosol-generating healthcare or postmortem procedure** – means a medical, dental, or postmortem procedure on human patients or remains that is likely to result in exposure to small droplet nuclei in high concentration, presenting a risk for airborne transmission of COVID-19.
- (b) **Common areas** – means building lobbies, reception areas, waiting rooms, restrooms, break rooms, eating areas, smoking areas, locker rooms, bathing areas, transit lounges, conference rooms, or other locations indoors or outdoors that multiple individuals may use or congregate that employers operate or control.
- (c) **Decontamination of filtering facepiece respirators (FFR)** – means a process approved by the U.S. Food and Drug Administration (FDA) that reduces the number of pathogens, does not harm the fit or filtration performance of the FFR, and presents no residual chemical hazard.
- (d) **Direct patient care** – means any employee job duties that include direct physical contact with a patient during the delivery of healthcare services. A worker performs direct patient care under the authority granted by a license or certification issued by federal, state, or local entities to provide healthcare services within the scope of practice. The worker may be providing direct patient care under their own licensure or certification, or may be providing care under the supervision of a licensed or certified worker. Workers involved in direct patient care include, but are not limited to, physicians, physician assistants, nurses, nurse practitioners, certified nursing aide, medical technologists, phlebotomists, respiratory therapists, dentists, dental hygienists, physical or occupational therapists, chiropractors, and other workers who otherwise provide in-person healthcare services. Direct patient care does not include customer service activities provided in retail settings that have embedded healthcare offices, such as retail pharmacies.
- (e) **Emergency first responder activities** – means those job duties that require an employee to be able to arrive first and provide assistance at the scene of an emergency, such as an accident, fire, natural disaster, including but not limited to law enforcement officers, firefighters, emergency medical technicians, and paramedics. Emergency first responder activities under this rule do not include tasks where only first aid is provided in accordance with OAR 437-002-0161.

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- (f) **Employee** – means any individual, including a minor whether lawfully or unlawfully employed, who engages to furnish services for a remuneration, financial or otherwise, subject to the direction and control of an employer; any salaried, elected and appointed official of the state, state agencies, counties, cities, school districts and other public corporations; and any individual who is provided with workers’ compensation coverage as a subject worker pursuant to ORS chapter 656, whether by operation of law or election.
- (g) **Employer** – means any person who has one or more employees, any sole proprietor or member of a partnership who elects workers’ compensation coverage, or any corporation in relation to the exposure of its corporate officers except for corporations without workers’ compensation coverage under ORS 656.128 and whose only employee is the sole owner of the corporation, or any successor or assignee of an employer as described in OAR 437-001-0015.
- (h) **Employment, Place of** – has the meaning provided in OAR 437-001-0015 and excludes any place where the only employment involves workers not covered by workers’ compensation and employed in or around a private home, as well as any corporate farm where the only employment involves the farm’s family members.
- Note:** The employment of home care and home health care workers by a resident of the home in which they work is not subject to workers’ compensation (even though the employees receive such coverage through the Home Care Commission) and therefore their employment is not covered by Oregon OSHA. Such workers who are employed by private home health or in-home care agencies are subject to workers’ compensation and therefore their employment is covered by Oregon OSHA. Private homes, such as adult foster care homes, where the only employment is for the care and comfort of the residents are also not required to obtain workers’ compensation and are therefore not subject to Oregon OSHA unless the employer has opted to provide workers’ compensation coverage under ORS 656.039.
- (i) **Environmental decontamination services** – means the work performed by janitorial, custodial, maintenance, or similar employees who are responsible for cleaning equipment, surfaces, or other items in direct patient care healthcare settings. This includes routine and non-routine cleaning or disinfecting of high-touch surfaces as defined by this rule, equipment, or procedural tools that are used in patient care areas in healthcare settings, including those settings in which aerosol-generating procedures are performed.

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- (j) **Face covering** – means a cloth, polypropylene, paper or other covering that covers the nose and the mouth and that rests snugly above the nose, below the mouth, and on the sides of the face. Coverings that incorporate a valve that is designed to facilitate easy exhalation or mesh masks or other covers with openings, holes, visible gaps in the design or material, or vents are not appropriate face coverings (even if otherwise appropriate for respiratory protection) because they allow droplets to be released from the covering.
- (k) **Face shield** – means a transparent plastic shield that covers the wearer’s forehead, extends below the chin, and wraps around the sides of the face. Devices that place a shield in front of only the user’s nose and mouth do not meet the definition of a mask, face covering, or face shield. Face shields are normally used as protection for the face and eyes but are a compliant (although not preferred) means of “source control” in relation to COVID-19.
- (l) **Feasibility** – refers to the ability of an employer to implement any requirement in a rule. Oregon OSHA rules never prohibit work. Whether feasibility is mentioned in a provision of the rule or not, if the employer can demonstrate that it is functionally impossible to comply or if doing so would prevent completion of the work, the employer need not comply, but must take any available reasonable alternative steps to protect the employees involved.
- (m) **Filtering facepiece respirator** -- means a tight-fitting, negative pressure, particulate respirator, where the particulate filter is the facepiece itself. Such respirators are often referred to as “dust masks,” but dust masks that are not certified by the National Institute for Occupational Safety and Health are not respirators. The most common filtering facepiece respirators for general use are known as N-95 respirators.
- (n) **Hand hygiene** – means the cleaning, sanitizing, or disinfecting of one’s hands by using standard handwashing methods with soap and running water, antiseptic hand wash, antiseptic hand rub (alcohol-based hand sanitizer including foam or gel), or surgical hand antisepsis.
- (o) **Healthcare setting** – means any space at the workplace a worker routinely provides direct patient care as defined by this rule or performs aerosol-generating healthcare or postmortem procedures. A healthcare setting does not include any establishment where only personal support services are provided or places where direct patient care is provided to a patient outside the healthcare setting itself.

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- (p) **High-touch surface** – means equipment or surfaces that are handled frequently throughout the day by multiple individuals. High-touch surfaces can include, but are not limited to, countertops, credit card terminals, doorknobs, digital kiosks, touch-screen enabled devices, light switches, handrails, elevator control panels, and steering wheels.
- (q) **Individual** – means any person who is present in the place of employment, whether an employee or not.
- (r) **Mask** – means a U.S. Food and Drug Administration (FDA) cleared surgical, medical procedure, dental, or isolation mask (commonly referred to as a “surgical mask”). Masks are medical grade masks that function as a physical barrier to protect workers from hazards such as splashes of large droplets of blood or bodily fluids; they do not provide reliable protection to the wearer against aerosols or airborne pathogens.
- (s) **Personal protective equipment (PPE)** – means specialized clothing or equipment worn by a worker for protection against a hazard. General work clothing (for example, uniforms, pants, shirts or blouses) not intended to function as protection against a hazard for the user is not considered to be PPE.
- (t) **Personal support services** – means the work performed by a caretaker or similar employee who is responsible for assisting individuals with day-to-day living issues that are not direct patient care activities. Personal support services include, but are not limited to housekeeping, assisting with medication, personal transportation (such as taking a client to an appointment), and other day-to-day living activities that may occur in an individual’s private residence are not otherwise considered to be direct patient care under this rule.
- (u) **Respirator** – means a type of personal protective equipment that protects against respiratory hazards by removing specific air contaminants from the ambient (surrounding) air or by supplying breathable air from a safe source. Respirators that remove contaminants from the ambient air are called air-purifying respirators. Respirators that supply air from a safe source other than the ambient air are called atmosphere-supplying respirators. Masks, face coverings and face shields are not respirators.
- (v) **SARS-CoV-2** – refers to a specific betacoronavirus (MERS-CoV and SARS-CoV are other betacoronaviruses) that causes what has been designated as Coronavirus Disease 2019 (COVID-19).

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- (w) **Shared equipment** – means devices or tools that are used by multiple employees or other individuals including, but not limited to, elevators, escalators, computer keyboards, and work vehicles.
- (x) **Source control** – means the use of protective equipment or other measures such as face coverings to prevent the spread of illness from a potentially infectious person to others. A typical example of source control for COVID-19 is to use a mask or face covering to limit the spread of respiratory droplets and aerosols from the wearer to others. Respirators can be used as source control in addition to providing protection for the wearer, but only if the respirator does not have an exhalation valve (respirators with an exhalation valve can also be worn in combination with appropriate source control).
- (y) **Suspected to be infected with COVID-19** – means a person who has signs or symptoms of COVID-19 disease but has not tested positive for SARS-CoV-2 infection and no alternative diagnosis has been made consistent with Oregon Health Authority definitions.

(3) COVID-19 Requirements for All Workplaces

Except as otherwise provided by this rule, the following requirements apply to all workplaces.

- (a) **Physical distancing.** All employers must ensure that both work activities and workflow are designed to eliminate the need for any employee to be within 6 feet of another individual in order to fulfill their job duties unless the employer determines and can demonstrate that such physical distancing is not feasible for certain activities.
- (b) **Mask, face covering, or face shield requirements.** Each employer must ensure that all individuals (including employees, part-time workers, temporary laborers, customers, vendors, patrons, contractors, etc.) at the workplace or other premises subject to the employer's control wear a mask, face covering, or face shield as source control in accordance with [the requirements of the Oregon Health Authority's Statewide Mask, Face Covering, Face Shield Guidance](#). Consistent with that guidance, it is strongly recommended, but not required, that individuals wear a mask or face covering as source control rather than relying upon a face shield alone.

Note: While reasonable accommodation for those unable to wear a mask, face covering, or face shield must be provided under applicable state and federal laws, such an accommodation does not include simply exempting individuals from the requirement to wear masks, face coverings, or face shields in public spaces.

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(A) The employer must provide masks, face coverings, or face shields for employees at no cost to the worker. If an employee chooses to wear their own mask, face shield, or face covering instead of those provided by the employer, the employer may allow it but is not required to do so unless the employee chooses to wear a respirator under the “voluntary use” provisions of the [Respiratory Protection standard](#) (29 CFR 1910.134) (the employer must require that appropriate source control be used in conjunction with an employee’s voluntary use of a respirator with an exhalation valve). If an employee chooses to wear a mask, face shield, or face covering even when it is not required, the employer must allow them to do so.

(B) When employees are transported in a vehicle for work purposes, regardless of the travel distance or duration involved, all occupants in the vehicle must wear a mask, face covering, or face shield unless employees are wearing respirators in accordance with the Respiratory Protection Standard (29 CFR 1910.134).

Note: This requirement does not apply when all occupants within the vehicle are members of the same household.

(c) Cleaning and sanitation. The employer must regularly clean or sanitize all common areas, shared equipment, and high-touch surfaces as defined by this rule that are under its control and that are used by employees or the public.

(A) Such regular cleaning or sanitization must be implemented based on the following frequencies:

- (i) At least once every 24 hours if the workplace is occupied less than 12 hours a day; or
- (ii) At least every 8 hours while in use, if the workplace is occupied more than 12 hours a day.

Exception: In locations with only “drop-in” availability or minimal staffing, the employer is permitted to rely upon a regular schedule of cleaning and sanitation and directing employees to sanitize their own work surfaces before use.

(B) Employers must provide employees with the supplies (soap and water) and the reasonable time necessary to clean or sanitize more frequently than would otherwise be required if the worker chooses to do so.

(C) Employers must provide employees with the supplies (such as soap and water) and reasonable time necessary to perform hand hygiene before using shared equipment.

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- (D) Except in healthcare settings where patients known or suspected to be infected with COVID-19 are being treated for the disease, employers must clean and disinfect any common areas, high-touch-surfaces, and any shared equipment under the employer's control that an individual known to be infected with COVID-19 used or had direct physical contact with. This requirement does not apply to areas, surfaces, or equipment that has been unoccupied or otherwise unused for seven days or more. As a recommended, but not required, practice, employers should close off the area and observe a waiting period of at least 24 hours (or for as long as is feasible) prior to cleaning and disinfecting.

Note: Additional sanitation requirements for exceptional risk workplaces are included in subsection (4)(d) of this rule.

- (d) Posting requirements. The "[COVID-19 Hazards Poster](#)," provided by Oregon OSHA must be posted in a conspicuous manner in a central location where workers can be expected to see it (for example, a location where employees report each day or at a location from which employees operate to carry out their activities). Employees working remotely must be provided with a copy of the COVID-19 Hazards Poster through electronic or equally effective means.
- (e) Building operators. No later than November 23, 2020, those employers who operate or otherwise control buildings where the employees of other employers work must take the following steps in common areas to the extent that they have control over such areas:
- (A) Ensure that the sanitation requirements under (3)(c)(A) are met; and
- (B) Post signs in areas where masks, face coverings, or face shields are required. To meet this provision, the building operator may post a copy of the "[Masks Required](#)," sign developed by the Oregon Health Authority.

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- (f) Ventilation requirements. No later than January 6, 2021, the employer must optimize the amount of outside air circulated through its existing heating, ventilation, and air conditioning (HVAC) system(s), to the extent the system can do so when operating as designed, whenever there are employees in the workplace and the outdoor air quality index remains at either “good” or “moderate” levels. This does not require installation of new ventilation equipment. The employer is not required to meet the provisions of the American National Standards (ANSI)/American Society of Heating, Refrigerating and Air-Conditioning Engineers (ASHRAE) Standards 62.1 and 62.2 (ASHRAE 2019a, 2019b), but to the degree the employer does so it is in compliance with this paragraph. In accordance with the HVAC manufacturer’s instructions and the design specifics of the HVAC system and as frequently as is necessary, the employer must ensure the following:
- (A) All air filters are maintained and replaced as necessary to ensure the proper function of the ventilation system; and
 - (B) All intake ports that provide outside air to the HVAC system are cleaned, maintained, and cleared of any debris that may affect the function and performance of the ventilation system.
- (g) Exposure risk assessment. No later than December 7, 2020, all employers must conduct a COVID-19 exposure risk assessment, without regard to the use of personal protective equipment, masks, face coverings, or face shields. If an employer has multiple facilities that are substantially similar, its assessment may be developed by facility type rather than site-by-site so long as any site-specific information that affects employee exposure risk to COVID-19 is included in the assessment.
- (A) The exposure risk assessment must involve participation and feedback from employees. This feedback may be achieved via a safety meeting, safety committee, supervisor, process negotiated with the exclusive bargaining agent (if any), or any other similarly interactive process.
 - (B) Each employer with more than ten employees statewide (including temporary and part-time workers) or that is covered by (1)(c) of this rule (workplaces at exceptional risk) must record their COVID-19 exposure risk assessment in writing by documenting the following information:
 - (i) The name(s), job title(s), and contact information of the person(s) who performed the exposure risk assessment;
 - (ii) The date the exposure risk assessment was completed;
 - (iii) The employee job classifications that were evaluated; and

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- (iv) A summary of the employer's answers to each of the applicable exposure risk assessment questions in this subsection.
- (C) The risk assessment must address the following questions related to potential employee exposure to COVID-19 in the workplace:
- (i) Can employees telework or otherwise work remotely? How are employees encouraged or empowered to use those distance work options to reduce COVID-19 transmission at the workplace?
 - (ii) What are the anticipated working distances between employees? How might those physical working distances change during non-routine work activities?
 - (iii) What is the anticipated working distance between employees and other individuals? How might those working distances change during non-routine work activities?
 - (iv) How have the workplace or employee job duties, or both, been modified to provide at least 6-feet of physical distancing between all individuals?
 - (v) How are employees and other individuals at the workplace notified where and when masks, face coverings, or face shields are required? How is this policy enforced and clearly communicated to employees and other individuals?
 - (vi) How have employees been informed about the workplace policy and procedures related to reporting COVID-19 symptoms? How might employees who are identified for quarantine or isolation as a result of medical removal under this rule be provided with an opportunity to work at home, if such work is available and they are well enough to do so?
 - (vii) How have engineering controls such as ventilation (whether portable air filtration units equipped with HEPA filters, airborne infection isolation rooms, local exhaust ventilation, or general building HVAC systems) and physical barriers been used to minimize employee exposure to COVID-19?
 - (viii) How have administrative controls (such as foot-traffic control) been used to minimize employee exposure to COVID-19?
 - (ix) What is the procedure or policy for employees to report workplace hazards related to COVID-19? How are these hazard reporting procedures or policies communicated to employees?

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- (x) How are sanitation measures related to COVID-19 implemented in the workplace? How have these sanitation practices been explained to employees and other individuals at the workplace?
- (xi) How have the industry-specific or activity-specific COVID-19 requirements in Appendix A of this rule and applicable guidance from the Oregon Health Authority been implemented for workers? How will periodic updates to such Oregon Health Authority guidance documents incorporated into the workplace on an on-going basis?
- (xii) In settings where the workers of multiple employers work in the same space or share equipment or common areas, how are the physical distancing; mask, face covering, or face shield requirements; and sanitation measures required under this rule communicated to and coordinated between all employers and their affected employees?
- (xiii) How can the employer implement appropriate controls that provide layered protection from COVID-19 hazards and that minimize, to the degree possible, reliance on individual employee training and behavior for their efficacy?

Note: Oregon OSHA will make a [Risk Assessment template](#) and sample Risk Assessments available to assist employers in completing this task.

- (h) Infection control plan. No later than December 7, 2020, all employers must establish and implement an infection control plan based on the risks identified in subsection (3)(g) that implements the controls identified in (3)(g)(C)(xiii) including, but not limited to, ventilation, staggered shifts, redesigning the workplace to accommodate physical distancing, reducing use of shared surfaces and tools, limiting the number of employees and other individuals in work areas, personal protective equipment, etc. If an employer has multiple facilities that are substantially similar, its infection control plan may be developed by facility type rather than site-by-site so long as any site-specific information that affects employee exposure risk to COVID-19 is included in the plan. Employers may also rely upon materials developed by associations, licensing agencies, and franchisors to assist with compliance and provided that mechanisms for appropriate employee feedback and involvement are provided.
- (A) Each employer with more than ten employees statewide (including temporary and part-time workers) or that is covered by (1)(c) of this rule (workplaces at exceptional risk) must document their infection control plan in writing and must ensure that a copy is accessible to employees at their workplace.

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Note: Additional requirements related to the infection control plan, which are applicable only to those employers covered by (1)(c) of this rule (workplaces at exceptional risk), are contained in section (4)(c) of this rule.

(B) The infection control plan must contain, at a minimum, the following elements:

- (i) A list of all job assignments or worker tasks requiring the use of personal protective equipment (including respirators) necessary to minimize employee exposure to COVID-19;
- (ii) The procedures the employer will use to ensure that there is an adequate supply of masks, face coverings, or face shields and personal protective equipment (including respirators) necessary to minimize employee exposure to COVID-19;
- (iii) A list and description of the specific hazard control measures that the employer installed, implemented, or developed to minimize employee exposure to COVID-19;
- (iv) A description of the employer's COVID-19 mask, face covering, and face shield requirements at the workplace, and the method of informing individuals entering the workplace where such source control is required;
- (v) The procedures the employer will use to communicate with its employees and other employers in multi-employer worksites regarding an employee's exposure to an individual known or suspected to be infected with COVID-19 to whom other workers may have been exposed. This includes the communication to individuals identified through COVID-19 contact tracing and general communication to the workplace at large; and
- (vi) The procedures the employer will use to provide its workers with the initial employee information and training required by this rule.

Note: Oregon OSHA will make sample [Infection Control Plans](#) available to assist employers in completing this task.

- (i) Employee information and training. No later than December 21, 2020, employers must provide workers with information and training regarding COVID-19. This information and training can be provided remotely or using computer-based models but must be provided in a manner and language understood by the affected workers. Employers must ensure that the training provides an opportunity for feedback from employees about the topics covered in the training, which must include at least the following elements:

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- (A) Physical distancing requirements as they apply to the employee's workplace and job function(s);
- (B) Mask, face covering, or face shield requirements as they apply to the employee's workplace and job function(s);
- (C) COVID-19 sanitation requirements as they apply to the employee's workplace and job function(s);
- (D) COVID-19 signs and symptom reporting procedures that apply to the employee's workplace;
- (E) COVID-19 infection notification process as required by this rule;
- (F) Medical removal as required by this rule;
- (G) The characteristics and methods of transmission of the SARS-CoV-2 virus;
Note: Oregon OSHA will provide [training materials](#) that can be used to complete this portion of the training.
- (H) The symptoms of the COVID-19 disease;
Note: Oregon OSHA will provide [training materials](#) that can be used to complete this portion of the training.
- (I) The ability of pre-symptomatic and asymptomatic COVID-19 persons to transmit the SARS-CoV-2 virus; and
Note: Oregon OSHA will provide [training materials](#) that can be used to complete this portion of the training.
- (J) Safe and healthy work practices and control measures, including but not limited to, physical distancing, sanitation and disinfection practices.

Note: Oregon OSHA will provide [training materials](#) that can be used to complete this portion of the training.

Note: To the degree training provided before the adoption of this rule complies with all or any portion of the required training, the employer does not need to repeat the training but may need to take steps to ensure that additional information is covered and that appropriate employee feedback can be provided.

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- (j) COVID-19 infection notification process. Excluding settings where patients are hospitalized on the basis that they are known or suspected to be infected with COVID-19, the employer must establish a process to notify exposed employees (those who were within 6 feet of a confirmed COVID-19 individual for a cumulative total of 15 minutes or more, regardless of whether one or both of them were wearing source control) that they had a work-related contact with an individual who has tested positive for COVID-19, as well as to notify affected employees (those who worked in the same facility or in the same well-defined portion of the facility such as a particular floor) that an individual who was present in the facility has confirmed COVID-19). This notification process must include the following elements:

- (A) A mechanism for notifying both exposed and affected employees within 24 hours of the employer being made aware that an individual with COVID-19 was present in the workplace while infectious or otherwise may have had work-related contact with its employee(s) while infectious; and
- (B) This notification process must be established and implemented in accordance with all applicable federal and Oregon laws and regulations.

Note: Employers can satisfy this requirement by adopting the [model procedure](#) to be published by Oregon OSHA before the effective date of the rule.

Note: The reporting of COVID-19 cases is required under existing Oregon Health Authority rules regarding reporting of disease cases. OAR 333-018-0016 requires such cases to be reported by healthcare providers and laboratories within 24 hours of identification.

- (k) COVID-19 testing for workers. The employer must cooperate by making its employees and appropriate space available at no cost to the workers whenever a local public health agency or Oregon Health Authority indicate that COVID-19 diagnostic testing within the workplace is necessary. If such testing is conducted at the employer's own direction, the employer is responsible for covering the costs of testing including but not limited to the COVID-19 test itself, employee time, and employee travel. However, if the employer is not requesting the test, the employer is not expected to cover the direct cost of such testing or of any involved employee travel.
- (l) Medical removal. Whenever the Oregon Health Authority, local public health agency, or medical provider recommends an employee be restricted from work due to quarantine or isolation for COVID-19, such as through identification during contact tracing activities, the affected worker(s) must be directed to isolate at home and away from other non-quarantined individuals.

Note: Other than the obligation to provide such direction and to remove such employees from the workplace, the employer has no obligation to enforce the employee's quarantine or isolation.

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- (A) Whenever an employee participates in quarantine or isolation for COVID-19, the employer must allow the affected employee(s) to work at home if suitable work is available and the employee's condition does not prevent it.
- (B) Whenever an employee participates in quarantine or isolation, whether as a result of the requirements of this rule or because the employer chooses to take additional precautions, the affected worker(s) must be entitled to return to their previous job duties if still available and without any adverse action as a result of participation in COVID-19 quarantine or isolation activities.

Note: The prohibition on "adverse action" does not require the employer to keep a job available that would not otherwise have been available even had the employee not been quarantined or isolated, but it does mean that the employer cannot fill the job with another employee and thereby make it unavailable.

- (C) Decisions regarding testing and return to work after an employee participates in COVID-19 quarantine or isolation activities must be made in accordance with applicable public health guidance and must be otherwise consistent with guidance from the employee's medical provider.

Note: This provision does not require a negative COVID-19 test or a separate contact with the medical provider.

Note: Employees are protected from discrimination or retaliation under ORS 654.062(5). This includes protections for actions against employees for opposing any practice forbidden under the Oregon Safe Employment Act and related statutes and rules (including this temporary rule for COVID-19), making a complaint or causing any proceeding to be instituted under the Oregon Safe Employment Act, or exercising any rights under the law, including those conferred by this temporary COVID-19 rule.

Note: Notwithstanding the language of OAR 437-001-0700(10), employers do not need to record such "medical removal" cases on their OSHA 300 log(s) simply because the medical removal required by this rule occurred. Cases must be recorded only if the infection of a worker is determined to be "work-related" in accordance with [OAR 437-001-0700](#).

- (m) Mandatory appendices. Employers covered by one or more of the mandatory industry-specific and activity-specific appendices that make up Appendix A of this rule must comply with those appendices. To the degree an appendix provides specific guidance regarding an issue addressed by this rule, it supersedes the general requirements of this rule. To the degree a situation is not addressed by the specific language of an appendix, the requirements of this rule apply as written.

Appendix A contains the following:

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A-1: Restaurants, Bars, Brewpubs and Public Tasting Rooms at Breweries, Wineries and Distilleries

A-2: Retail Stores

A-3: Outdoor/Indoor Markets

A-4: Personal Services Providers

A-5: Construction Operations

A-6: Indoor and Outdoor Entertainment Facilities

A-7: Outdoor Recreation Organizations

A-8: Transit Agencies

A-9: Collegiate, Semi-Professional and Minor League Sports

A-10: Professional and PAC-12 Sports

A-11: Licensed Swimming Pools, Licensed Spa Pools and Sports Courts
Mandatory Workplace Guidance

A-12: Fitness-Related Organizations

A-13: K-12 Educational Institutions (Public or Private)

A-14: Early Education Providers

A-15: Institutions of Higher Education (Public or Private)

A-16: Veterinary Clinics

A-17: Fire Service and EMS

A-18: Law Enforcement

A-19: Jails and Custodial Institutions

(4) COVID-19 Requirements for Workplaces at Exceptional Risk

Workplaces identified by subsection (1)(c) of this rule must adhere to the following specific provisions and additional requirements.

(a) Infection control training. In addition to the employee information and training requirements for all workplaces under subsection (3)(i) of this rule, employers of workplaces at exceptional risk must provide infection control training by December 21, 2020, that includes the following provisions:

(A) The training is overseen or conducted by a person knowledgeable in the covered subject matter as it relates to the employee's job duties;

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- (B) The training material is appropriate in content and vocabulary to the education, literacy, and language of the affected workers; and
 - (C) The training provides an opportunity for interactive questions and answers (must be “live” in order to allow immediate response and further clarification but need not be in person) with a person knowledgeable in the training program’s subject matter and basic epidemiology as it relates to the workplace and employee job duties.
- (b) Infection control training for employees required under this rule must include the following elements:
- (A) An explanation of this rule and its applicable appendices and provisions;
 - (B) An explanation of contact, droplet, and airborne modes of transmission of COVID-19, including how workers can recognize hazardous work activities that may involve exposure to COVID-19 and how employees can take precautionary measures to minimize their exposure.
 - (C) An explanation of the basic risk factors associated with COVID-19 transmission including, but not limited to, behavioral risk factors (this may include non-work activities that are higher-risk activities such as attending large social gatherings); physiological risk factors; demographic risk factors; and environmental risk factors;
 - (D) An explanation of the employer’s COVID-19 exposure risk assessment required by this rule and which employee job classifications, tasks, or job duties were considered as part of that risk assessment;
 - (E) An explanation of the employer’s physical distancing; mask, face covering, and face shield requirements; and COVID-19 sanitation requirements at the workplace. Where applicable, this information must include any multi-employer worksite agreements related to the use of common areas and shared equipment that affect employees at the workplace;
 - (F) Information on the types, use, storage, removal, handling, and maintenance of masks, face coverings, face shields and personal protective equipment (including respirators) provided to employees by the employer; and
 - (G) An explanation of the use and limitation of COVID-19 hazard control measures implemented or installed by the employer. Hazard control measures include engineering, administrative, or work practice controls that eliminate or otherwise minimize employee exposure to COVID-19.

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- (c) Additional infection control plan requirements. In addition to the infection control plan requirements for all workplaces, each employer covered by section (4) of this rule must provide the following in its infection control plan required by December 7, 2020:
- (A) The name(s) of the person responsible for administering the plan. This person must be knowledgeable in infection control principles and practices as they apply to the workplace and employee job operations; and
 - (B) As frequently as necessary, a reevaluation of the plan to reflect changes in the facility, employee job duties, new technologies, or workplace policies established by the employer that affect worker exposure to COVID-19 or in response to updated guidance published by the Oregon Health Authority that is applicable to the employer's workplace. This reevaluation and update of the infection plan must include feedback from non-managerial, front-line employees who perform activities that reflect the employer's exceptional risk under this rule. This feedback is not required from all employees and may be achieved via a safety meeting, safety committee, supervisor, process negotiated with the exclusive bargaining agent (if any), or any other similarly interactive process.
- (d) Additional sanitation requirements. Use appropriate sanitation measures in addition to the requirements of (3)(c) of this rule to reduce the risk of COVID-19 transmission. Each employer must:
- (A) Develop procedures for routine cleaning and disinfection that are appropriate for SARS-CoV-2 in healthcare settings, including those patient-care areas in which aerosol-generating procedures are performed (for example, using cleaners and EPA-registered, hospital-grade disinfectants for frequently touched surfaces or objects in accordance with manufacturer instructions and contact time specifications). Refer to [List N](#) on the EPA website for EPA-registered disinfectants that have qualified under EPA's emerging viral pathogens program for use against SARS-CoV-2; and
 - (B) Follow standard practices for disinfection and sterilization of medical devices contaminated with COVID-19, as described in the [CDC Guideline for Disinfection and Sterilization in Healthcare Facilities, 2008](#).

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(e) Healthcare personal protective equipment. Depending on the requirements of the procedure (for example, aerosol generating procedures) in question and the disease status of the involved patient(s), employers must use a combination of standard precautions, contact precautions, droplet precautions, airborne precautions, and eye protection (for examples, goggles, face shields) to protect healthcare workers with exposure or potential exposure to COVID-19.

(A) When an employee performs an aerosol-generating healthcare or post-mortem procedure for a patient without evidence of COVID-19 infection, the employer must provide PPE in accordance with CDC's [Interim Infection Prevention and Control Recommendations for Healthcare Personnel During the Coronavirus Disease 2019 \(COVID-19\) Pandemic](#). Oregon OSHA recognizes that risk of infection in asymptomatic patients can vary based on clinical presentation, level of COVID-19 transmission in the community, recent COVID-19 testing results, and other factors. These factors must be considered in clinical judgment by healthcare personnel involved in direct patient care and medical examiners in making decisions about use of transmission-based precautions.

(B) Whenever an employee provides direct patient care for a patient known or suspected to be infected with COVID-19, the employer must provide the affected worker with gloves, a gown, eye protection (goggles or face shield), and a medical-grade mask or a NIOSH-approved respirator.

Note: If PPE availability is genuinely limited, a procedure cannot be deferred, and appropriate, good-faith efforts are made by the employer to ensure the safety and protection of the healthcare workers, Oregon OSHA will evaluate the situation based on PPE availability and the employer's adherence to guidance outlined in the [Oregon Health Authority and Oregon OSHA Interim Guidance: Use of Personal Protective Equipment by Healthcare Personnel in Resource Constrained Settings](#).

(C) In lieu of (A) and (B) above, hospitals and ambulatory surgical centers may follow [Guidance for Non-Emergency and Elective Procedures Recommendations to the Oregon Health Authority July 20, 2020](#). If PPE availability is limited, such employers may follow [OHA- Oregon OSHA Interim Guidance: Use of Personal Protective Equipment by Healthcare Personnel in Resource Constrained Settings](#).

Note: The CDC does not have a comprehensive list of AGPs in a healthcare setting. Employers should refer to [CDC infection control guidance](#).

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- (f) Heightened risk ventilation requirements. No later than January 6, 2021, and in addition to the provisions of 3(f) above, certain heightened risk facilities must meeting the following requirements to the degree that they are under the employer's control.
- (A) Existing ventilation systems in hospitals, ambulatory surgical centers, and long-term care facilities providing skilled and/or intermediate level nursing care must be operated, if possible, in accordance with the provisions of the American National Standards Institute (ANSI)/American Society of Heating, Refrigerating and Air-Conditioning Engineers (ASHRAE) Standards 62.1 and 62.2 (ASHRAE 2019a, 2019b), which include requirements for outdoor air ventilation in most residential and nonresidential spaces, and ANSI/ASHRAE/ASHE Standard 170 (ASHRAE 2017a) covers both outdoor and total air ventilation in healthcare facilities. This does not require installation of new ventilation equipment.
 - (B) Existing ventilation systems in other health care facilities must be upgraded to a minimum MERV 13 rating, provided that such an upgrade will result in no significant performance reduction of the system.
- (g) Barriers, partitions, and airborne infection isolation rooms in healthcare settings. The employer must employ the following measures to protect healthcare employees, support workers, patients, and visitors from individuals known or suspected to be infected with COVID-19:
- (A) When available, use airborne infection isolation rooms (AIIRs) with proper ventilation to house patients known or suspected to be infected with COVID-19;
 - (B) Patients known or suspected of being infected with COVID-19 must don a face covering and be isolated in an examination room with the door closed. If an examination room is not immediately available, such patients must not be allowed to wait within 6 feet of other patients seeking care and should be encouraged to wait in a personal vehicle or outside the healthcare setting where they can be contacted by mobile device when it is their turn to be evaluated. During a medical emergency, all measures may not be feasible, but must be implemented in whole or in part as the patient's condition and necessary medical care allow. If a patient cannot tolerate any form of face covering due to a medical condition, strict physical distancing and appropriate PPE must be used to protect patients and workers, respectively;
 - (C) Use physical barriers or partitions in triage areas to guide patients when appropriate; and

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- (D) Use curtains to separate patients in semi-private areas.
- (h) Screening in healthcare settings. The employer must screen and triage all individuals entering its healthcare setting for symptoms of COVID-19. Although screening for symptoms may not identify asymptomatic or pre-symptomatic individuals with SARS-CoV-2 infection, symptom screening remains an important strategy to identify those who may have COVID-19 so appropriate precautions can be implemented. At a minimum, each employer must:
- (A) Limit and monitor points of entry to the healthcare setting where direct patient care, or aerosol-generating healthcare or postmortem procedures are performed by workers. Consideration must be given to establishing stations at the healthcare setting entrance to screen individuals before they enter; and
- (B) Screen all individuals and employees (other than emergency responders entering with a patient) entering the healthcare setting for symptoms consistent with COVID-19. This can be achieved by asking the affected individual about symptoms of COVID-19 and asking if they have been advised to self-quarantine because of exposure to someone with COVID-19 or if they have been told to isolate after testing positive for COVID-19.
- (i) Medical removal provisions in healthcare settings. The only exception to the quarantine and isolation provisions of 3(l) exists when a healthcare provider, emergency responder, or other worker who would otherwise be quarantined or isolated remains on the job under Oregon Health Authority guidelines.

Stat. Auth.: ORS 654-025(2) and 656.726(4).

Stats. Implemented: ORS 654.001 to 654.295.

Hist: OR OSHA Admin. Order 31-2020, f. 11/6/20, ef. 11/16/20.

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Appendix A Mandatory Workplace Guidance for Industry-Specific And Activity-Specific Activities

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[A-2: Retail Stores](#)

[A-3: Outdoor/Indoor Markets](#)

[A-4: Personal Services Providers](#)

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[A-6: Indoor and Outdoor Entertainment Facilities](#)

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[A-9: Collegiate, Semi-Professional and Minor League Sports](#)

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[A-11: Licensed Swimming Pools, Licensed Spa Pools and Sports Courts Mandatory Workplace Guidance](#)

[A-12: Fitness-Related Organizations](#)

[A-13: K-12 Educational Institutions \(Public or Private\)](#)

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[A-17: Fire Service and EMS](#)

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Appendix A-1 Mandatory Workplace Guidance for Restaurants, Bars, Brewpubs, And Public Tasting Rooms At Breweries, Wineries, And Distilleries

Application: This appendix applies to restaurants, bars, breweries, brewpubs, wineries, tasting rooms and distilleries. To the degree this appendix provides specific guidance, it supersedes the requirements for physical distancing and use of masks, face coverings, or face shields of the COVID-19 Temporary Rule (OAR 437-001- 0744); to the degree a situation is not addressed by the specific language of this appendix, the requirements of the rule apply.

Note: In accordance with [Oregon Health Authority Statewide Mask, Face Covering, Face Shield Guidance](#) and subsection (3)(b) of the Temporary Rule for COVID-19, it is strongly recommended, but not required, that individuals wear a mask or face covering as source control instead of a face shield alone.

Note: The Oregon Health Authority guidance on which this appendix is based applies to counties that have reached Phase Two Reopening. Such operations in Phase One counties are covered by separate Oregon Health Authority provisions not necessarily reflected by this appendix.

A. Physical Distancing Measures. To ensure appropriate physical distancing, employers operating such facilities must do the following:

1. Ensure tables are spaced at least 6 feet apart so that at least 6 feet between parties is maintained, including when customers approach or leave tables;
2. Businesses must determine the appropriate seating configuration to comply with these physical distancing requirements. If available, businesses may allow for footprint expansion to outside space for service, while maintaining the physical distancing requirements of at least 6 feet;
3. Remove or restrict seating to facilitate the requirement of at least 6 feet of physical distance between people not in the same party; and
4. If booth seating is back-to-back, business must use no more than every other booth, unless a barrier is installed in accordance with the following: Install acrylic (Plexiglas, Lexan, etc.) or other impermeable physical barrier that is easily cleaned, if the barrier is at least 1 foot higher than head level for customers seated and at least 3 feet wide or at least the width of the seat if the seat is wider than 3 feet.
5. Abide by any applicable gathering size or capacity limitations imposed by the Oregon Health Authority.

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- B. Masks, face coverings, and face shields.** To reduce the risk of transmission from potentially infected individuals, employers operating such facilities must review and implement [OHA Statewide Mask, Face Covering, Face Shield Guidance](#); if at any point such guidance is no longer available, such employers must require all employees, patrons, and other visitors five years of age and older, unless they are eating or drinking, to wear masks, face coverings, or face shields in all indoor spaces, and in all outdoor spaces whenever at least 6 feet of physical distancing cannot be consistently ensured.

Note: While reasonable accommodation for those unable to wear a mask, face covering or face shield must be provided under applicable state and federal laws, such an accommodation does not include exempting individuals from the requirement to wear such masks, face coverings, or face shields.

- C. Signage.** To reinforce the need to minimize COVID-19 risks, employers operating such facilities must do the following:
1. Post [clear signs](#) listing COVID-19 symptoms, asking employees, volunteers, and visitors with symptoms to stay home and whom to contact if they need assistance;
 2. Use [clear signs](#) to encourage physical distancing;
 3. Post [clear signs](#) about the mask, face covering, or face shield requirements; and
 4. For drive-through operations, post signs at the drive-through entrance advising customers to wear masks, face shields, or face coverings when interacting with employees during any transactions and delivery of product (beyond such required posting, employers need not take additional steps to enforce requirements that customers wear masks, face coverings, or face shields while using the drive-through).
- D. Special provisions for Video Lottery Terminals (VLTs).** To minimize risks associated with the use of VLTs, employers with such terminals must do the following:
1. Place VLTs at least 6 feet apart. If VLTs cannot be spaced at least 6 feet apart, businesses may install an acrylic (Plexiglas, Lexan, etc.) or other non-permeable physical barrier that is easily cleaned, between VLTs in lieu of having 6 feet of distance, if the barrier is at least 1 foot higher than head level for customers seated and at least 3 feet wide or at least the width of the VLT if wider than 3 feet;

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2. Require individuals to request VLT access from an employee before playing; an employee must then clean and disinfect the machine to allow play. A business must not allow access to VLTs or change VLTs without requesting access from an employee;
3. Consider a player at a VLT machine the same as a customer seated for table service; and
4. Limit one player at or around a VLT.

Note: Oregon Lottery will not turn on VLTs until the agency is satisfied that all necessary conditions have been met.

Additional Resources:

[Oregon Health Authority Signs You Can Post](#)

[Oregon Health Authority Guidance for the General Public](#)

[Oregon Health Authority Statewide Mask, Face Covering, and Face Shield Guidance](#)

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Appendix A-2 Mandatory Workplace Guidance for Retail Stores

Application: This appendix applies to retail stores. To the degree this appendix provides specific guidance, it supplements, but does not replace, the requirements of the Temporary COVID-19 Rule (OAR 437-001-0744).

Note: In accordance with [Oregon Health Authority Statewide Mask, Face Covering, Face Shield Guidance](#) and subsection (3)(b) of the Temporary Rule for COVID-19, it is strongly recommended but not required that individuals wear a mask or face covering as source control instead of a face shield alone.

A. Physical Distancing Measures. To ensure appropriate physical distancing, employers operating retail stores must limit the number of customers in the retail store and focus on maintaining at least 6 feet of distance between people and employees in the store. Store management must determine maximum occupancy to maintain at least 6 feet of physical distancing, considering areas of the store prone to crowding (such as aisles and certain sections or display areas) and limit admittance accordingly.

Note: Employers operating retail stores are encouraged, but not required, to use the following additional practices to encourage appropriate physical distancing:

- Consider offering alternatives, such as “order ahead” or “curbside pickup,” as appropriate and applicable.
- Consider placing clear plastic or glass barriers in front of cashiers or customer service counters, or in other places where maintaining 6 feet of physical distance between employees and customers is more difficult.
- Encourage one-way flow with marked entrances and exits, but do not block fire exits. Use signs to direct one-way flow of traffic.
- Use signs and tape on the floor to maintain physical distancing while waiting for cashiers.

B. Masks, Face Shields and Face Coverings. To reduce the risk of transmission from potentially infected individuals, employers operating such facilities must review and implement [OHA Statewide Mask, Face Covering, Face Shield Guidance](#); if at any point such guidance is no longer available, such employers must require all employees, patrons, and other visitors five years of age and older, unless they are eating or drinking, to wear masks, face coverings, or face shields in all indoor spaces, and in all outdoor spaces whenever at least 6 feet of physical distancing cannot be consistently ensured.

Note: While reasonable accommodation for those unable to wear a mask must be provided, such an accommodation does not include exempting individuals from the requirement to wear masks, face coverings, or face shields in the store.

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C. **Sanitation and Cleaning.** To reduce the risks from surface contact, employers operating such facilities must comply with the sanitation provisions of the rule and must frequently clean and sanitize work areas, high- traffic areas, and commonly touched surfaces in both customer/public and employee areas of store.

Note: Employers operating retail stores are encouraged, but not required, to take the following sanitation measures:

- Prohibit customers from trying on items that are worn on the face (masks, scarves, headwear, and eyewear).
- When processing returns, employees should wash hands or use hand sanitizer before and after handling items. Retailer may set items aside for a day or longer if concerned about perceived risks of exposure.
- Decide whether to re-open fitting rooms. If fitting rooms are re-opened, customers should wash hands or use hand sanitizer before and after trying on clothes. Retailers should provide hand sanitizer or hand washing stations near fitting rooms.

Note: Applicable Oregon Health Authority guidance in place at the time this rule was adopted requires the wiping down of changing room doorknobs, walls, and seating between each customer use.

D. **Signage.** To reinforce the need to minimize COVID-19 risks, employers operating retail stores must do the following:

1. Post [clear signs](#) listing COVID-19 symptoms, asking employees, volunteers, and visitors with symptoms to stay home and whom to contact if they need assistance;
2. Use [clear signs](#) to encourage physical distancing; and
3. Post [clear signs](#) about the mask, face covering, or face shield requirements.

Additional resources:

[Oregon Health Authority Signs You Can Post](#)

[Oregon Health Authority Statewide Mask, Face Covering, and Face Shield Guidance](#)

[Oregon Health Authority Guidance for the General Public](#)

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Appendix A-3 Mandatory Workplace Guidance for Outdoor And Indoor Markets

Application: This appendix applies to employers who operate or who provide goods and services in indoor and outdoor markets and street fairs. To the degree this appendix provides specific guidance, it supersedes the requirements for physical distancing, the use of masks, face coverings, or face shields, and sanitation of the COVID-19 Temporary Rule (OAR 437-001-0744); to the degree a situation is not addressed by the specific language of this appendix, the requirements of the rule apply. To the degree the market or street fair engages in activities covered by other appendices, such as food and beverage service or personal services, those appendices must also be followed.

Note: In accordance with [Oregon Health Authority Statewide Mask, Face Covering, Face Shield Guidance](#) and subsection (3)(b) of the Temporary Rule for COVID-19, it is strongly recommended but not required that individuals wear a mask or face covering as source control instead of a face shield alone.

Definitions: For purposes of this appendix, the following definitions apply:

Indoor and outdoor markets means indoor or outdoor spaces where agriculture products, food, merchandise, or services are sold by vendors, generally from booths or tables, and vendors may pay a fee to participate. Indoor and outdoor markets may include but are not limited to farmers markets, flea markets, craft fairs, and other markets that do not include interactive rides or exhibits. Indoor and outdoor markets do not include retail stores, shopping centers, or malls.

Operator means a person responsible for management and operation of an indoor or outdoor market space or street fair.

Street fair means an outdoor public event requiring a street closure where food, merchandise or services may be sold, and vendors may pay a fee to participate. A street fair does not include interactive rides or exhibits.

Vendor means a business that sells food, merchandise or services at an indoor market, outdoor market or street fair and may or may not pay a fee to participate.

A. **General Operations.** Employers operating indoor and outdoor markets and street fairs are required to implement the following measures:

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1. Ensure that ventilation systems operate properly. Increase air circulation and ventilation as much as possible by opening windows and doors. Fans should be used indoors only when windows or doors are open to the outdoors in order to circulate indoor and outdoor air. Do not open windows and doors if doing so poses a safety risk to employees or customers; and
 2. Provide separate facilities, including restrooms, if there is more than one indoor or outdoor market or street fair operating at the same time at the same location. Customers, vendors and market/fair staff must use only the facilities for their designated market or fair.
- B. Physical Distancing Measures.** To ensure appropriate physical distancing, employers operating indoor and outdoor markets and street fairs are required to implement the following measures:
1. Abide by any applicable gathering size or capacity limitations imposed by the Oregon Health Authority ;
 2. Ensure customers, staff and vendors maintain physical distance of at least 6 feet from other individuals who are not part of the same party. A distance of at least 6 feet must be maintained between parties;
 3. Implement one-way flow with marked entrances and exits, but do not block egress for fire exits. Use signs to direct one-way flow of traffic;
 4. Use signs or markings on the ground to maintain physical distancing while waiting for cashiers;
 5. Assign 1 physical distancing monitor per 50 people to ensure physical distancing requirements and gathering capacity limits are maintained at all times for both indoor and outdoor spaces, including at entrances, exits, restrooms and any other area where people may congregate;
 6. Determine seating and configuration to comply with all physical distancing requirements;
 7. Do not combine parties or allow shared seating for individuals not in the same party;
 8. Remove or restrict seating and standing areas to facilitate the requirement of at least 6 feet of physical distance between parties; and
 9. Prohibit people in different parties from congregating in any area of the facility, both indoor and outdoor, including in parking lots.

Note: Employers operating indoor and outdoor markets and street fairs are encouraged, but not required, to take the following additional steps to encourage physical distancing and minimize contact.

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- Consider placing clear plastic or glass barriers in front of cashiers or customer service counters, or in other places where maintaining 6 feet of physical distance between employees and customers is more difficult.
- Provide separate entrances/exits for employees and/or vendors, if possible.
- Consider offering alternative order ahead and pick up options, such as curbside pickup, as appropriate and applicable.
- Use touchless or cashless payment options, without contact with customers.

C. **Masks, Face Coverings, and Face Shields.** To reduce the risk of transmission from potentially infected individuals, employers operating such facilities must review and implement [OHA Statewide Mask, Face Covering, Face Shield Guidance](#); if at any point such guidance is no longer available, such employers must require all employees, patrons, and other visitors five years of age and older, unless they are eating or drinking, to wear masks, face coverings, or face shields in all indoor spaces, and in all outdoor spaces whenever at least 6 feet of physical distancing cannot be consistently ensured.

Note: While reasonable accommodation for those unable to wear a mask must be provided, such an accommodation does not include exempting individuals from the requirement to wear masks, face coverings, or face shields.

D. **Sanitation and Cleaning.** To reduce the risks from surface contact, employers operating indoor and outdoor markets and street fairs must implement the following:

1. Must comply with the sanitation provisions of the rule and regularly clean and sanitize work areas, high-traffic areas, and commonly touched surfaces in both customer/public and employee areas of the market or fair. For example, wipe down seating areas between each customer use. Use disinfectants that are included on the Environmental Protection Agency (EPA) approved list for the SARSCoV-2 virus that causes COVID-19 (No product will be labeled for COVID-19 virus yet, but many products will have a label or information available on their websites about their effectiveness for human coronavirus);
2. Ensure that vendors frequently clean and sanitize work areas, high-traffic areas, and commonly touched surfaces in the vendor areas. For example, wipe down seating areas between each customer use. Use disinfectants that are included on the Environmental Protection Agency (EPA) approved list for the SARS- CoV-2 virus that causes COVID-19. (No product will be labeled for COVID-19 virus yet, but many products will have a label or information available on their websites about their effectiveness for human coronavirus);

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3. Assign at least 1 sanitation attendant whose sole duties are to clean restrooms hourly and ensure adequate sanitary supplies (for example, soap, toilet paper, 60-95% alcohol content hand sanitizer) are available during all events; and
4. Assign at least 1 sanitation attendant whose sole duties are to frequently clean and disinfect work areas, high-traffic areas, and commonly touched surfaces in areas accessed by employees and customers.

Note: Employers who operate indoor/outdoor markets and street fairs are encouraged but not required to take the following additional sanitation measures:

- Strongly encourage vendors/attendees/participants to wash hands with soap and water for at least 20 seconds or to use hand sanitizer (60-95% alcohol content) regularly.
- Provide hand sanitizer (60-95% alcohol content) at entrances.

E. **Signage.** To reinforce the need to minimize COVID-19 risks, employers operating indoor and outdoor markets must do the following:

1. Post [clear signs](#) listing COVID-19 symptoms, asking employees, volunteers, and visitors with symptoms to stay home and listing whom to contact if they need assistance;
2. Use [clear signs](#) to require physical distancing throughout market or fair including, but not limited to, eating areas and near restrooms; and
3. Post [clear signs](#) about the mask, face covering, or face shield requirements.

Additional resources:

[Oregon Health Authority Signs You Can Post](#)

[Oregon Health Authority Statewide Mask, Face Covering, and Face Shield Guidance](#)

[Oregon Health Authority Guidance for the General Public](#)

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Appendix A-4 Mandatory Workplace Guidance for Personal Services Providers

Application: This appendix applies to employers of personal services providers. To the degree this appendix provides specific guidance, it supersedes the requirements for physical distancing, the use of masks, face coverings, and face shields, and sanitation of the COVID-19 Temporary Rule (OAR 437-001-0744); to the degree a situation is not addressed by the specific language of this appendix, the requirements of the rule apply.

Note: In accordance with Oregon Health Authority Statewide Mask, Face Covering, Face Shield Guidance and subsection (3)(b) of the Temporary Rule for COVID-19, it is strongly recommended but not required that individuals wear a mask or face covering as source control instead of a face shield alone.

Note: Applicable Oregon Health Authority guidance, which also applies to personal services providers who are not employees subject to Oregon OSHA jurisdiction, is not affected by the adoption of this rule.

Definitions: For purposes of this appendix, the following definitions apply:

Personal services providers is defined as barber shops, hair salons, esthetician practices, medical spas, facial spas and day spas, non-medical massage therapy services, nail salons, tanning salons, and tattoo/piercing parlors.

A. General Operations – Advance Screening. Employers of personal services providers must ensure that the following screening measures are taken:

1. The provider or another representative of the employer must contact the client prior to an appointment and ask the following questions:
 - ✓ Have you had a new or worsening cough?
 - ✓ Have you had a fever?
 - ✓ Have you had shortness of breath?
 - ✓ Have you been in close contact with anyone with these symptoms or anyone who has been diagnosed with COVID-19 in the past 14 days?
2. Reschedule an appointment if the client answers “yes” to any of the questions above until the client’s symptoms (cough, fever and shortness of breath) have been resolved, and fever has been resolved without medication for at least 24 hours, or (in the case of the final question) at least 14 symptom-free days after contact with a person sick with cough, fever, or diagnosed COVID-19.

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3. During the conversation with the client, [review information about how COVID-19 is spread](#) from one person to another: namely, through coughing, sneezing, touching, or via objects touched by someone with the virus.
4. Record client contact information, date and time of appointment and provider for each client. If there is a positive COVID-19 case associated with the business, public health may need the business to provide this information for a contact tracing investigation. Unless otherwise directed, this information may be destroyed after 60 days from the appointment.

Note: To the extent possible, employers of such providers are encouraged, but are not required, to use touchless infrared thermometers to check the temperature of each client who enters the business and then explain to any client who has a temperature above 100.0°F that services cannot be provided, and the appointment will be rescheduled until at least 24 hours after fever and other symptoms have resolved without medication. If the client must wait for a ride home, provide a space where the client may self-isolate away from employees and other clients.

- B. General Operations – Other Practices.** Employers of personal services providers must immediately send home any employee with COVID-19 like symptoms (cough, fever, shortness of breath, etc.) and not allow the employee to return to work until at least 24 hours after fever and other symptoms have resolved without medication.

Note: To the extent possible, employers of such providers are encouraged but not required to use touchless infrared thermometers to check temperature of each employee before their shift begins, immediately send home any employee who has a temperature above 100.0°F, and not allow the employee to return to work until at least 24 hours after fever and other symptoms have resolved without medication.

- C. Physical Distancing Measures.** To ensure appropriate physical distancing, employers operating such facilities must adopt the following measures:

1. Determine the maximum occupancy of the business to maintain at least 6 feet of physical distancing between clients and limit admittance accordingly;
2. Limit the overall number of providers and clients in the business (including waiting areas) at any one time and focus on maintaining at least 6 feet of physical distance between people in the facility, except when required to provide services such as massage, haircuts, etc.;
3. Have clients wait in their car or outside to be contacted when the provider is ready for the appointment;
4. Limit visits to scheduled appointments. Provide curbside pick-up arranged ahead of time for product purchases outside of scheduled service appointments;

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5. Assign one provider per client throughout the encounter;
 6. Ensure at least 6 feet of physical distance between pairs of provider/clients. If necessary, use limited number of stations and stagger shifts to adhere to physical distance requirements. Maintain at least 6 feet of distance between provider and client unless providing service that requires provider to be within 6 feet of client; and
 7. Ensure that providers minimize face-to-face contact within 6 feet of clients.
- D. Masks, Face Coverings, and Face Shields.** To reduce the risk of transmission from potentially infected individuals, employers of personal services providers must take the following steps:
1. Review and implement [OHA Statewide Mask, Face Covering, Face Shield Guidance](#), except as otherwise provided by this appendix; if at any point such guidance is no longer available, employers must require all employees and visitors five years of age and older to wear masks, face coverings, or face shields except as otherwise provided by this appendix;

Note: While reasonable accommodation for those unable to wear a mask, face covering, or face shield must be provided, such an accommodation does not include exempting individuals from the requirement to wear a mask, face covering, or face shield.
 2. Allow clients wearing face coverings to remove the covering when appropriate to or necessary for certain services; for example, a client does not need to wear a face covering when face-down on a massage table. And some services, such as mustache or beard trims, may require the cloth, paper or disposable face covering to be temporarily removed; and
 3. Allow employees to wear medical grade masks if they choose to do so when providing services.

Note: To the extent possible, providers are encouraged but not required to take the following additional measures to minimize the risks of face-to-face contact:

 - Provide at no cost to the employee and require the use of medical grade masks by employees when providing services that require close contact (within 6 feet), such as in the case of a haircut, massage or pedicure.
 - Provide at no cost to the employee and require the use of both face shields and a face covering for face-to-face services, such as mustache trims and brow waxing.
- E. Client Service Sanitation.** To reduce the risks from physical contact between clients and personal services providers, such employers must employ the following sanitation measures in relation to each client service:
1. Drape each client in a clean cape, if applicable, for the service. Businesses may consider using disposable capes for one-time use;

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2. Wear a clean smock with each client. Businesses may consider using disposable smocks/gowns for one-time use;
 3. Wash hands with soapy, warm water, for a minimum of 20 seconds between each client service;
 4. Wear disposable gloves when providing client services and change gloves between each client;
 5. Request that clients wash hands with soapy, warm water, for a minimum of 20 seconds prior to receiving service;
 6. Ask clients to wash their own hair prior to arriving for their appointment; and
 7. Change into clean clothes between clients if providing services that require extended close client contact such as massage therapy and tattoo artistry.
- F. **Sanitation and Cleaning.** To reduce the risks from surface contamination, such employers must employ the following sanitation and cleaning measures:
1. Remove all unnecessary items such as magazines, newspapers, service menus, and any other unnecessary items such as paper products, snacks, and beverages;
 2. Provide training, educational materials (available at healthoregon.org/coronavirus), and reinforcement on proper sanitation, handwashing, cough and sneeze etiquette, and using other protective equipment and measures to all employees;
 3. Wash hands after using the telephone, computer, cash register and/or credit card machine, and wipe these surfaces between each use;
 4. Ensure all sinks in the workplace have soap and paper towels available;
 5. Change into clean clothes before leaving the business each day;
 6. Ensure breakrooms are thoroughly cleaned and disinfected and that employees do not congregate in them;
 7. Thoroughly clean restroom facilities at least once daily and ensure adequate sanitary supplies (soap, toilet paper, hand sanitizer) throughout the day;
 8. Thoroughly clean and disinfect all areas of business prior to reopening after extended closure due to COVID-19. Disinfect all surfaces, tools, and linens, even if they were cleaned before the business was closed;

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9. Use disinfectants that are Environmental Protection Agency (EPA)-registered and labeled as bactericidal, viricidal or fungicidal. Products are unlikely to be labeled for COVID-19 yet, but many will have human coronavirus efficacy either on the label or available on their website. The EPA has a list of disinfectant products that meet EPA criteria for use against the virus that causes COVID-19. If in doubt of the product's effectiveness, check the EPA website;
10. Mix and change disinfectant for immersion of tools daily and replace sooner if it becomes contaminated throughout the workday. Disinfectant only works on a clean surface, so clean all surfaces and tools with hot soapy water, other appropriate cleaner or cleaning wipes (if using wipes, be sure to cover surface thoroughly) before disinfecting;
11. Observe contact time on the label so disinfectant will work. Contact time refers to how long the disinfectant is visibly wet on the surface, allowing it to thoroughly destroy pathogens. Typical contact time for immersion/sprays is ten (10) minutes, for disinfectant wipes, time is 2-4 minutes;
12. Clean and disinfect all workstation and treatment room surfaces, including countertops, cabinets and doorknobs, chairs, head rests and arm rests. Clean and disinfect all reusable tools and store in airtight container. Clean and disinfect all appliances (including cords), shears, clippers, clipper guards, clippies, rollers, combs, brushes, rolling carts and any other items used to provide client services;
13. Check to make sure all products at workstations, such as lotions, creams, waxes, scrubs, and any other similar supplies have always been in a closed container. If not, discard and replace. Remove and discard any products that could have been contaminated by unsanitary use and replace with new product;
14. Clean and disinfect hard non-porous surfaces, glass, metal and plastic, including work areas, high-traffic areas, and commonly touched surfaces in both public and employee-only areas of the business;
15. Use porous/soft surfaces (such as cardboard files, buffers, drill bits, etc.) only once and then discard because they cannot be disinfected;
16. Launder all linens, blankets, towels, drapes, and smocks in hot soapy water and dry completely at the warmest temperature allowed. Store in an airtight cabinet after each client use. Store all used/dirty linens in an airtight container;

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17. Clean and disinfect all linen hampers and trash containers and only use a container that can be closed and use with liners that can be removed and discarded;
18. Clean and disinfect all retail areas at least daily, including products. Try to keep clients from touching products that they do not plan to purchase;
19. Provide hand sanitizer and tissues for employees and clients, if available;
20. Clean and disinfect all restroom surfaces including floors, sinks, and toilet bowls. Store paper products in a closed cabinet and provide hand soap. Place trashcan by the door. Remove anything that does not have to be in the restrooms;
21. Clean and disinfect all bowls, hoses, spray nozzles, hoist handles, shampoo chairs and arm rests between each use. Wipe down all back-bar products and shelves. Discard and replace any products that have not been stored in a closed container prior to reopening after extended closure; and
22. Empty all wax pots and disinfect before refilling them with new wax prior to reopening after extended closure. Purchase new single-use applicators that can be disposed of in an airtight trash can. The airtight trash can must have a lid and be lined with a disposable plastic bag.

Note: To the extent possible, employers of such providers are encouraged but not required to take the following additional measures to reduce risks of surface contamination:

- Use plastic covers for cloth-covered seating because they cannot be properly cleaned and disinfected.
- Discontinue use of paper appointment books or cards and replace with electronic options.
- Limit the exchange of cash, and wash hands thoroughly after each transaction. Credit/debit transactions or other electronic means of payment are preferred, using touch/swipe/no signature technology.

G. Signage. To reinforce the need to minimize COVID-19 risks, employers of personal services providers must do the following:

1. Post [clear signs](#), listing COVID-19 symptoms, asking employees, volunteers, and visitors with symptoms to stay home and whom to contact if they need assistance;
2. Use [clear signs](#) to encourage physical distancing;
3. Post [clear signs](#) about the mask, face coverings, and face shields requirements; and
4. Post handwashing signs in restrooms.

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Additional resources:

[Oregon Health Authority Signs You Can Post](#)

[Oregon Health Authority Statewide Mask, Face Covering, and Face Shield Guidance](#)

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Appendix A-5 Mandatory Workplace Guidance for Construction Operations

Application: This appendix applies to employers engaged in construction activities. To the degree this appendix provides specific guidance, it supersedes the requirements for physical distancing and use of masks, face coverings, or face shields of the COVID-19 Temporary Rule (OAR 437-001-0744); to the degree a situation is not addressed by the specific language of this appendix, the requirements of the rule apply.

Note: In accordance with [Oregon Health Authority Statewide Mask, Face Covering, Face Shield Guidance](#) and subsection (3)(b) of the Temporary Rule for COVID-19, it is strongly recommended but not required that individuals wear a mask or face covering as source control instead of a face shield alone.

- A. **General Operations – Advance Screening.** Each construction employer who controls access to a site must develop and implement a system to screen employees and visitors accessing the site using a pre-screening checklist consistent with recommendations from the Centers for Disease Control and Prevention.
- B. **Physical Distancing Measures.** To ensure appropriate physical distancing, construction employers must do the following:
1. Ensure that workers maintain at least 6-feet of physical distance between themselves and their co-workers on all construction sites, except as otherwise provided;
 2. Limit work in occupied areas of a home or other structure to only those tasks that are strictly necessary; and
 3. When it is not practical to maintain a physical distance of at least 6 feet, ensure that workers remain separated to the largest degree practical and that the duration of such activity is kept as short as possible.

Construction employers are encouraged, but not required, to redesign workflow, including access to stairwells, floor levels, etc., to maximize distance between workers; one-way routes, if used, should include signage.

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- C. **Masks, Face Coverings, and Face Shields.** To reduce the risk of transmission from potentially infected individuals, employers operating such facilities must review and implement [OHA Statewide Mask, Face Covering, Face Shield Guidance](#); if at any point such guidance is no longer available, such employers must require all employees, patrons, and other visitors five years of age and older, unless they are eating or drinking, to wear masks, face coverings, or face shields in all indoor spaces, and in all outdoor spaces whenever at least 6 feet of physical distancing cannot be consistently ensured.

Note: While reasonable accommodation for those unable to wear a mask, face coverings, or face shields must be provided, such an accommodation does not include exempting individuals from the requirement to wear a mask, face covering, or face shield.

Additional resources:

[Oregon Health Authority Signs You Can Post](#)

[Oregon Health Authority Statewide Mask, Face Covering, and Face Shield Guidance](#)

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Appendix A-6 Mandatory Workplace Guidance for Indoor And Outdoor Entertainment Facilities

Application: This appendix applies to indoor and outdoor entertainment facilities, including zoos, museums, drive-in movie theaters, raceways, outdoor gardens, and aquariums. To the degree this appendix provides specific guidance, it supersedes the requirements for physical distancing, the use of masks, face coverings, or face shields, and sanitation of the COVID-19 Temporary Rule (OAR 437-001-0744); to the degree a situation is not addressed by the specific language of this appendix, the requirements of the rule apply.

Note: In accordance with [Oregon Health Authority Statewide Mask, Face Covering, Face Shield Guidance](#) and subsection (3)(b) of the Temporary Rule for COVID-19, it is strongly recommended but not required that individuals wear a mask or face covering as source control instead of a face shield alone.

Definitions: For the purposes of this appendix, the following definition applies:

Raceways refers to a special racing track used for the sport of high-speed racing of specialized vehicles or motorcycles. It does not include go-kart tracks or other recreational go-karting facilities.

- A. **General Operating Conditions.** Employers operating such facilities must ensure they are ready to operate and that all equipment is in good condition, in accordance with any applicable maintenance and operations manuals and standard operating procedures
- B. **Physical Distancing Measures.** To ensure appropriate physical distancing, employers operating such facilities must do the following:

Note: Notwithstanding the practicality and feasibility provisions of this rule, applicable Oregon Health Authority guidance in place at the time of the adoption of this rule requires covered facilities to cease operations and close the facility if they are unable to maintain the physical distancing requirements in this appendix or if unable to comply with all other requirements in this appendix. The requirement to close the facility applies to both indoor and outdoor operations for entities that have both.

1. Abide by any applicable gathering size or capacity limitations imposed by the Oregon Health Authority;
2. Limit activities to parties consisting of 10 people or fewer. Do not combine parties/guests at shared seating situations who have not chosen to attend together;
3. Ensure physical distancing of at least 6 feet between people of different parties (members of the same party can participate in activities together, stand in line together, and do not have to stay 6 feet apart);

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4. Set-up seating and/or game configuration to comply with all physical distancing requirements;
5. Remove or prohibit (using barriers or other effective means) seating/consoles/lanes etc. to make sure people not in the same party remain at least 6 feet apart;
6. Prohibit people in different parties from gathering in any area of the facility, both indoor and outdoor, including in parking lots;
7. Keep common areas with chairs benches and tables (for example. picnic tables, day-use shelters, and buildings open to the public) arranged so that parties can keep at least 6 feet of physical distance. Post clear signs to reinforce physical distancing requirements between visitors of different parties;
8. Prohibit operation and use of all play areas/ball pits/indoor play structures/playgrounds; and
9. Do not operate drop-in child care within the facility.

Note: Employers operating such facilities are encouraged, but not required, to use the following additional practices to encourage appropriate physical distancing:

- Encourage reservations or advise people to call in advance to confirm facility capacity. Consider a phone reservation system that allows people to wait in cars and enter facility only when a phone call or text indicates space is available.
- Assign a designated greeter or host to manage visitor flow and monitor physical distancing while waiting in line, ordering, and during entering and exiting. Do not block access to fire exits.
- Assign staff to monitor physical distancing requirements, so that parties are no larger than 10 people, and to help visitors follow these requirements.
- Assign staff to monitor visitor access to common areas such as restrooms so that visitors do not gather.
- Route foot traffic in a one-way direction to minimize close contact between visitors. Post signs for one-way walking routes to attractions, if feasible.
- Limit the number of staff who serve or interact with each party.
- Encourage visitors to recreate with their own household members rather than with those in their extended social circles.
- Encourage visitors to recreate safely and avoid traveling to or recreating in areas where it is difficult to keep at least 6 feet from others not in their household.
- Place clear plastic or glass barriers in front of cashiers or visitor center counters, or in other places where keeping 6 feet between employees, volunteers and visitors is more difficult.

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- Consider closing every other parking spot to facilitate at least 6 feet of physical distance between parties. This is especially useful in the case of drive-in theaters or other activities where the visitors are likely to remain in or near, or frequently return to, their vehicles.

C. **Masks, face coverings, and face shields.** To reduce the risk of transmission from potentially infected individuals, employers operating such facilities must review and implement [OHA Statewide Mask, Face Covering, Face Shield Guidance](#); if at any point such guidance is no longer available, such employers must require all employees, patrons, and other visitors five years of age and older, unless they are eating or drinking, to wear masks, face coverings, or face shields in all indoor spaces, and in all outdoor spaces whenever at least 6 feet of physical distancing cannot be consistently ensured.:

Note: While reasonable accommodation for those unable to wear a mask, face covering, or face shield must be provided, such an accommodation does not include exempting individuals from the requirement to wear a mask, face covering, or face shield.

Note: Employers operating such facilities are encouraged, but not required, to provide appropriate masks, face coverings, or face shields for customers and other visitors.

D. **Sanitation and Cleaning.** To reduce the risks from surface contact, employers operating such facilities must do the following:

1. Clean and sanitize work areas, high-traffic areas, and commonly touched surfaces in both customer and employee areas in indoor and outdoor facilities, using disinfectants that are included on the [Environmental Protection Agency \(EPA\) approved list](#) for the SARS-CoV-2 virus that causes COVID-19 (products are unlikely to be labeled specifically for COVID-19, but many products will have a label or information available on their websites about their effectiveness for human coronavirus);
2. Thoroughly clean restroom facilities at least twice daily and, to the extent possible, ensure adequate sanitary supplies (soap, toilet paper, hand sanitizer) are available in such areas throughout the day. Restroom facilities that cannot be cleaned twice daily should be kept closed or a sign should be posted stating that the restroom is unable to be cleaned twice daily; and
3. Train all employees on cleaning operations and best hygiene practices including washing their hands often with soap and water for at least 20 seconds.

Note: Employers operating such facilities are encouraged, but not required, to consider providing hand-washing facilities for customer use in and around the facility. Hand sanitizer is effective on clean hands; businesses may make hand sanitizer (60-95% alcohol content) available to customers. Hand sanitizer must not replace hand washing by employees.

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Note: Employers operating outdoor facilities are encouraged, but not required, to encourage visitors to bring their own food, water bottles and hygiene supplies (including hand sanitizer) and/or to encourage visitors to take their trash with them when they leave.

E. **Signage.** To reinforce the need to minimize COVID-19 risks, employers operating such facilities must do the following:

1. Post [clear signs](#) listing COVID-19 symptoms, asking employees, volunteers, and visitors with symptoms to stay home and whom to contact if they need assistance;
2. Use [clear signs](#) to encourage physical distancing; and
3. Post [clear signs](#) about the mask, face covering, or face shield requirements.

Note: Retail facilities and other activities operated within Indoor and Outdoor Entertainment Facilities but not addressed by this Appendix must comply with the requirements applicable to those activities.

Note: Applicable Oregon Health Authority guidance in place at the time of the adoption of this rule requires covered facilities to cease operations no later than 10 p.m.

Additional Resources:

[Oregon Health Authority Guidance for the General Public](#)

[Oregon Health Authority Statewide Mask, Face Covering, and Face Shield Guidance](#)

[Centers for Disease Control and Prevention Guidance for Administrators in Parks and Recreational Facilities](#)

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Appendix A-7 Mandatory Workplace Guidance for Outdoor Recreation Organizations

Application: This appendix applies to outdoor recreation organizations, including (but not limited to) outdoor sports. To the degree this appendix provides specific guidance, it supersedes the requirements for physical distancing, the use of masks, face coverings, or face shields, and sanitation of the COVID-19 Temporary Rule (OAR 437-001-0744); to the degree a situation is not addressed by the specific language of this appendix, the requirements of the rule apply.

Note: In accordance with [Oregon Health Authority Statewide Mask, Face Covering, Face Shield Guidance](#) and subsection (3)(b) of the Temporary Rule for COVID-19, it is strongly recommended but not required that individuals wear a mask or face covering as source control instead of a face shield alone.

Definitions: For purposes of this appendix, the following definitions apply:

Full-contact sports means sports that involve a requirement or substantial likelihood of routine, sustained close proximity or physical contact between participants, and include but are not limited to football, rugby, wrestling, cheerleading, basketball, hockey, dance, water polo, and men's lacrosse.

Minimal- and medium-contact sports include but are not limited to softball, baseball, soccer, volleyball, women's lacrosse, and flag football.

Non-contact sports include but are not limited to tennis, swimming, golf, cross country, track and field, sideline/no contact cheer and dance.

Note: Applicable Oregon Health Authority guidance in place at the time of the adoption of this rule prohibits full- contact sports.

- A. **General Operating Conditions.** Employers operating such facilities and reopening after extended closure must ensure all parks and facilities are ready to operate and that all equipment is in good condition, according to any applicable maintenance and operations manuals and standard operating procedures
- B. **Physical Distancing Measures.** To ensure appropriate physical distancing, employers operating such facilities must do the following:
1. Prohibit parties (a group of 10 or fewer people that arrived at the site together) from congregating in parking lots for periods longer than reasonable to retrieve/return gear and enter/exit vehicles;
 2. Reinforce the importance of maintaining at least 6 feet of physical distance between parties (a group of 10 or fewer people that arrived at the site together) on hiking trails, beaches and boat ramps through signs and education;

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3. Ensure compliance with the [OHA Guidance for Gatherings](#), while that guidance remains in effect;
4. Ensure that physical distancing of at least 6 feet between people of different parties is maintained at outdoor playgrounds, including splash pads; and
5. Keep any common areas such as picnic tables not in shelters/structures, day-use shelters, and buildings open to the public arranged so there is at least 6 feet of physical distance between parties (chairs, benches, tables).

Note: Employers operating such organizations are encouraged, but not required, to use the following additional practices to encourage appropriate physical distancing:

- Consider closing alternating parking spots to facilitate at least 6 feet of physical distance between parties.
- Consider opening loop trails in a one-way direction to minimize close contact between hikers. Designate one-way walking routes to attractions if feasible.
- Encourage the public to visit parks and recreation areas during off-peak use times as defined and publicized by park or recreation area management.
- Encourage the public to visit parks and recreation areas close to home, avoid overnight trips and minimize travel outside their immediate area for recreation. Caution the public to not travel outside of their home area if they live in an area with a high number of reported COVID-19 cases.
- Encourage visitors to bring their own food, water bottles and hygiene supplies (including hand sanitizer), as well as to take their trash with them when they leave.
- Encourage the public to recreate with their own household members rather than with those in their extended social circles.
- Encourage the public to recreate safely and avoid traveling to or recreating in areas where it is difficult to maintain at least 6 feet from others not in their party.
- Position staff to monitor physical distancing requirements, ensure groups are no larger than 10 people, and provide education and encouragement to visitors to support adherence.
- Consider placing clear plastic or glass barriers in front of cashiers or visitor center counters, or in other places where maintaining 6 feet of physical distance between employees, volunteers and visitors is more difficult.

- C. Masks, Face Coverings, and Face Shields.** To reduce the risk of transmission from potentially infected individuals, employers operating such facilities must review and implement [OHA Statewide Mask, Face Covering, Face Shield Guidance](#); if at any point such guidance is no longer available, such employers must require all employees, patrons, and other visitors five years of age and older, unless they are eating or drinking, to wear masks, face coverings, or face shields indoors and outdoors whenever at least 6 feet of physical distancing cannot be consistently ensured.

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Note: While reasonable accommodation for those unable to wear a mask, face coverings, or face shields must be provided, such an accommodation does not include exempting individuals from the requirement to wear a mask, face covering, or face shield.

D. Sanitation and Cleaning. To reduce the risks from surface contact, employers operating such facilities must do the following:

1. Encourage hand washing in and around the outdoor playground or play field, including splash pads. Hand sanitizer is effective on clean hands. Outdoor recreation organizations may make hand sanitizer (60-95% alcohol content) available to people using the outdoor playgrounds or play fields;
2. Thoroughly clean restroom facilities at least twice daily and, to the extent possible, ensure adequate sanitary supplies (soap, toilet paper, hand sanitizer) throughout the day. Restroom facilities that cannot be cleaned twice daily should be kept closed or a sign should be posted stating that the restroom is unable to be cleaned twice daily;
3. Comply with the sanitation provisions of the rule and frequently clean and disinfect work areas, high-traffic areas, and commonly touched surfaces in both public and non-public areas of parks and facilities; and
4. Close sandboxes as they are not allowed at this time.

Note: Employers operating such organizations are encouraged, but not required, to provide handwashing stations or hand sanitizer in common areas such as picnic areas, day-use shelters, and buildings open to the public.

E. Signage. To reinforce the need to minimized COVID-19 risks, employers operating such organizations must do the following:

1. Post [clear signs](#) listing COVID-19 symptoms, asking employees, volunteers, and visitors with symptoms to stay home and whom to contact if they need assistance; and
2. Post clear signs in or around common areas to reinforce physical distancing requirements between visitors of different parties.
3. Post clear signs in or around common areas about the mask, face covering, and face shield requirements.

Additional resources:

[Signs you can post](#)

[Oregon Health Authority Statewide Mask, Face Covering, and Face Shield Guidance](#)

[CDC's Guidance for Administrators in Parks and Recreational Facilities](#)

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Appendix A-8 Mandatory Workplace Guidance for Transit Agencies

Application: This appendix applies to public transit agencies and providers statewide. To the degree this appendix provides specific guidance, it supersedes the requirements for physical distancing, the use of masks, face coverings, or face shields, and sanitation of the COVID-19 Temporary Rule (OAR 437-001-0744); to the degree a situation is not addressed by the specific language of this appendix, the requirements of the rule apply.

Note: In accordance with [Oregon Health Authority Statewide Mask, Face Covering, Face Shield Guidance](#) and subsection (3)(b) of the Temporary Rule for COVID-19, it is strongly recommended but not required that individuals wear a mask or face covering as source control instead of a face shield alone.

- A. Physical Distancing Measures.** To ensure appropriate physical distancing, transit agencies must do the following:
1. Require at least 3 feet of physical distance between passengers;
 2. Require at least 6 feet of physical distance between the driver and passengers (except during boarding and when assisting those with mobility devices); cordon off seats as necessary to reinforce this requirement;
 3. Use physical partitions or visual cues (for example, floor decals, colored tape, or signs) to discourage passengers from standing or sitting within 3 feet of other passengers, and within 6 feet of drivers and other transit employees on the bus or train;
 4. Determine and post maximum occupancy for each bus; and
 5. For rail systems, make verbal announcements about maximum occupancy before and after each stop.

Note: Transit agencies are encouraged, but not required, to use the following additional practices to encourage appropriate physical distancing:

- Implement one-way flow of traffic with front door boarding and rear exiting.
- Consider installing clear plastic barriers between driver and passengers when 6 feet of physical distance cannot be maintained.
- Establish a policy and practice for providing alternate transportation for riders who are ill and need transportation to obtain medical care that limits possible exposure to transit employees and other members of the public.

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- B. Masks, Face Coverings, and Face Shields.** To reduce the risk of transmission from potentially infected individuals, employers operating such facilities must review and implement [OHA Statewide Mask, Face Covering, Face Shield Guidance](#); if at any point such guidance is no longer available, such employers must require all employees, patrons, and other visitors five years of age and older, unless they are eating or drinking, to wear masks, face coverings or face shields indoors, and outdoors whenever at least 6 feet of physical distancing cannot be consistently ensured.

Note: While reasonable accommodation for those unable to wear a mask, face covering, or face shield must be provided, such an accommodation does not include exempting individuals from the requirement to wear a mask, face covering, or face shield.

- C. Sanitation and Cleaning.** To reduce the risks from surface contact, transit agencies must do the following:

1. Provide transit employees access to soap, clean running water, and drying materials, or at least 60-95% alcohol-based hand sanitizer at their worksite; and
2. Clean buses/trains and transit stations frequently. Conduct targeted cleanings every 4 hours, with a focus on disinfecting frequently touched surfaces of the bus/train and at transit stations.

Note: Transit agencies are encouraged, but not required, to install hand sanitizer stations with 60-95% alcohol-based hand sanitizer solution in each bus/train to the extent possible.

- D. Signage.** To reinforce the need to minimize COVID-19 risks, transit agencies must do the following:

1. Post [clear signs](#), in more than one language, listing COVID-19 symptoms, asking employees, volunteers, and visitors with symptoms to stay home and whom to contact if they need assistance;
2. Use [clear signs](#) to encourage physical distancing;
3. Post [clear signs](#) about the mask, face covering, and face shield requirements; and
4. For rail systems, post maximum occupancy for each train car using clear, prominently placed signs.

Note: Transit agencies are encouraged, but not required, to use signs at high-traffic stops to encourage physical distancing while riders are waiting for a bus or train.

Additional Resources:

[Oregon Health Authority Guidance for the General Public](#)

[Oregon Health Authority Statewide Mask, Face Covering, Face Shield Guidance](#)

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Appendix A-9 Mandatory Workplace Guidance for Collegiate, Semi-Professional And Minor League Sports

Application: This appendix applies to collegiate (other than Division 1, Pac-12, Big Sky, and West Coast Conference), semi-professional, and minor league sports practice, training and play for specified sports statewide (including athletes and teams based outside of Oregon that travel to Oregon to play). To the degree this appendix provides specific guidance, it supersedes the requirements for physical distancing, use of masks, face coverings, or face shields, and sanitation of the COVID-19 Temporary Rule (OAR 437-001-0744); to the degree a situation is not addressed by the specific language of this appendix, the requirements of the rule apply. In addition, certain activities (for example, those involving education) may be addressed by other appendices. When such sports involve the use of pools, such employers must also follow Appendix A-10, “Licensed Swimming, Licensed Spa Pools and Sports Courts.”

Note: In accordance with [Oregon Health Authority Statewide Mask, Face Covering, Face Shield Guidance](#) and subsection (3)(b) of the Temporary Rule for COVID-19, it is strongly recommended but not required that individuals wear a mask or face covering as source control instead of a face shield alone.

Note: Applicable Oregon Health Authority guidance in place at the time of the adoption of this rule prohibits full- contact sport play; training and conditioning for full contact sports are allowed. Training and conditioning, such as weightlifting, running drills and intra-squad scrimmaging, cannot include full contact of any kind.

Definitions: For purposes of this guidance, the following definitions apply:

Full-contact sports means sports that involve a requirement or substantial likelihood of routine, sustained close proximity or physical contact between participants, and includes but is not limited to football, rugby, wrestling, cheerleading, basketball, hockey, dance, water polo, men’s lacrosse.

Minimal- and medium-contact sports include but are not limited to softball, baseball, soccer, volleyball, women’s lacrosse, flag football.

Non-contact sports include but are not limited to tennis, swimming, golf, cross country, track and field, sideline/no contact cheer and dance.

A. General Operations. Employers engaged in such sports must do the following:

1. Ensure facility ventilation systems operate properly. Increase air circulation as much as possible by opening windows and doors, using fans, or other methods. Do not open windows and doors if doing so poses a safety risk to staff, spectators or athletes;

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2. Communicate all policies and facilities information to athletes/participants, parents, guardians and caregivers prior to resuming or beginning the season;
3. Prohibit staff and athletes who have any [symptoms of COVID-19](#) from entering the premises or sporting location; and
4. Discourage any person, including athletes, at increased risk for complications from COVID-19 (for example, people with chronic health conditions) from attending any sporting activities (If an athlete, volunteer or spectator displays symptoms of COVID-19, a staff member should ask them to leave the premises, provide the individual with a mask, face covering, or face shield, and help the individual minimize their contact with others before leaving the facility).

B. Physical Distancing Measures. To ensure appropriate physical distancing, employers engaged in such sports must do the following:

1. Abide by any applicable gathering size or capacity limitations imposed by the Oregon Health Authority.
2. Maintain physical distancing of at least 6 feet per person. A mask, face covering, or face shield, must be used in addition to physical distancing;
3. Develop and implement a written plan to limit the number of spectators admitted into the premises so that all staff, volunteers, contractors and spectators can keep 6 feet of physical distance;
4. Assign a designated monitor to make sure that spectators keep 6 feet of physical distance, including at entrances, exits, restrooms and any other area where people may gather;
5. Encourage everyone at the sports facility, including all athletes, coaches, referees, volunteers and independent contractors, to keep a physical distance of at least 6 feet from individuals not residing in the same household, especially in common areas;
6. Assign designated areas for managers and coaches, when not practicing/playing, to ensure they can maintain physical distance; and
7. When multiple sporting events occur at the same sports complex or venue at the same time, leagues, coaches and trainers are required to ensure athletes and spectators for sporting events do not share space, including but not limited to restrooms, hallways, concession stands.

Note: Employers engaged in such sports are encouraged, but not required, to use the following additional practices to encourage appropriate physical distancing:

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- Stagger arrival and departure times for staff, athletes and spectators to minimize congregating at entrances, exits and restrooms to follow required physical distancing requirements.
- Schedule enough time between practices and games so all people from a previous practice can leave the premises before the next group enters. This minimizes gathering at entrances, exits and restrooms while providing sufficient time to sanitize the facilities/equipment.
- Require or encourage attendees, athletes, and their families to stay outside of the premises (for example, in vehicles) until scheduled practice or play time (allowing people to leave the premises before others enter and minimizing gathering).
- Require people to enter the premises through a designated entrance and exit through a designated exit. Do not block fire exits. Use signs to direct one-way flow of traffic. Consider scheduling and staggering arrival times to the premises to minimize large numbers of individuals arriving and exiting at the same time.
- Provide separate entrances/exits for staff, athletes and spectators.
- Take steps to ensure that there is only contact among participants/athletes needed to play the game (refraining from handshakes, high fives, fist/elbow bumps, chest bumps, and group celebrations).
- Space out athletic equipment to prevent athletes coming into direct contact with one another.
- Allow only trainers, coaches and athletes to attend practices to ensure physical distancing and prevent people from gathering.
- Train or play outside if it can be done safely, when it does not violate any local ordinances.

C. Masks, Face Shields and Face Coverings. To reduce the risk of transmission from potentially infected individuals, employers operating such facilities must review and implement [OHA Statewide Mask, Face Covering, Face Shield Guidance](#); if at any point such guidance is no longer available, such employers must require all employees, patrons, and other visitors five years of age and older, unless they are eating or drinking, to wear masks, face coverings or face shields indoors, and outdoors whenever at least 6 feet of physical distancing cannot be consistently ensured.

Note: While reasonable accommodation for those unable to wear a mask, face covering, or face shield must be provided, such an accommodation does not include exempting individuals from the requirement to wear a mask, face covering, or face shield.

D. Sanitation and Cleaning. To reduce the risks from surface contact, such employers must do the following:

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1. Close water fountains, except for those designed to refill water bottles without contact between the bottle and fountain. Encourage athletes to bring prefilled water bottles;
2. Frequently clean and disinfect shared equipment, including but not limited to bats and rackets. All surfaces of each piece of shared equipment must be cleaned and disinfected frequently, as appropriate for the sport (for example, between athletes, sets, periods, or games). This includes, but is not limited to, equipment such as bats and rackets. Clean all equipment that directly contacts the head, face and hands with extra attention and detail;
3. Use disinfectants that are included on the [Environmental Protection Agency \(EPA\) approved list](#) for the SARS-CoV-2 virus that causes COVID-19;
4. Require employees to practice good hygiene including washing their hands frequently and covering their sneezes and coughs. Wash hands often with soap and water for at least 20 seconds, especially after touching shared objects or blowing your nose, coughing or sneezing. Avoid touching your eyes, nose and mouth;
5. If soap and water are not readily available, use a hand sanitizer that contains 60-95% alcohol content. (Users need to cover all surfaces of their hands and rub them together until they are dry);
6. Encourage athletes to bring their own hand sanitizer for personal use. Comply with the sanitation provisions of the rule and frequently clean and disinfect high-traffic areas, and commonly touched surfaces in areas accessed by staff, athletes and spectators;
7. Ensure restrooms are cleaned and disinfected prior to and after any league activity and/or at least twice daily;
8. If an athlete, volunteer or spectator displays symptoms of COVID-19, immediately disinfect all areas used by the sick person;
9. If teams and spectators at the same sporting event share a restroom, leave entrance/exit doors open, if possible, and regularly clean and sanitize commonly touched surfaces such as stall door handles and faucets; and
10. When multiple sporting events occur at the same sports complex or venue at the same time, leagues, coaches and trainers are required to clean and sanitize commonly touched surfaces, such as door handles, between subsequent games and events and to clean and sanitize high-traffic areas such as entrances, exits, check-in tables, restrooms and concession areas between subsequent games or events.

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Note: Such employers are encouraged, but not required, to take the following measures to further minimize the risks from surface contact:

- Provide handwashing stations and/or hand sanitizer (beyond the existing handwashing requirements for all workplaces in Oregon OSHA's permanent rules).
- Encourage athletes to use only their own equipment when feasible. Avoid or minimize equipment sharing, when feasible
- Encourage athletes and/or their family members to clean and disinfect equipment after each use, where feasible.

E. Special Requirements related to Travel. To reduce the risks from out of state travel, such employers must do the following:

1. Limit exposure to those outside the travel unit during transit by ensuring that all members of a travel unit including staff, athletes, coaches and drivers, if on a bus or in a car, wear a mask, face covering, or face shield;
2. Allow drivers to transport multiple travel units if wearing a mask and sanitizing hands before and after each driving each group. Vehicles must be cleaned between transport of each travel unit following [transportation guidelines](#); and.
3. Limit travel to those who have been in regular contact and are considered essential personnel (specifically athletes, coaches, and medical staff);
4. When engaged in air travel, such employers must employ the following additional measures:
 - a. When able, consider charter flights instead of commercial air travel. Commercial air travel should be on a carrier with robust infection control methods and enforcement of universal masking requirements. Avoid traveling on the same private plane with a different team.
 - b. Require travelers to carry hand sanitizer that contains 60-95% alcohol content at all times and to use it frequently.
 - c. Require travelers to wear masks or face coverings at all times and minimize removal for eating or drinking.
 - d. Document the names of all passengers including the driver, pilot and flight staff, along with the date and time of the trip and the vehicle number/license, if applicable; and

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5. After returning from travel to other states, such employers must encourage good hand hygiene, physical distancing, and wearing face masks or face coverings, and must ensure that all staff and students have a robust process for self-monitoring/reporting COVID-19 symptoms. If those who return from other states experience [COVID-19 symptoms](#), either they or their employer must contact health care provider to ensure appropriate testing.

Note: Such employers whose staff and players travel out of state are encouraged, but not required, to take the following measures to further minimize the risks from such travel:

- Aim to travel and play the same day to avoid overnight stays, when feasible.
- For overnight stays or same-day travel, prepackaged meals or room service should be considered. If restaurant dining is the only option, consider take-out food or outdoor eating as preferable alternatives.
- Encourage those who have traveled to limit their exposure to others for 10 days after travel.

Additional Resources:

[Oregon Health Authority Signs You Can Post](#)

[Oregon Health Authority Statewide Mask, Face Covering, and Face Shield Guidance](#)

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Appendix A-10 Mandatory Workplace Guidance for Professional, Division 1, Pac-12, West Coast Conference And Big Sky Conference Sports

Application: This appendix applies to professional and Division 1, Pac-12, West Coast Conference and Big Sky Conference sports practice, training and play for specified sports statewide. Professional and Pac-12 conference athletes and teams based outside of Oregon that travel to Oregon for play must follow the guidance laid out in this document. To the degree this appendix, or the documents protocols developed in response to it, provides specific guidance, it supersedes the requirements of the COVID-19 Temporary Rule (OAR 437-001-0744); to the degree a situation is not addressed by the specific language of this appendix or the protocols, the requirements of the rule apply.

General Operations. Professional and Pac-12 sports teams wishing to play in the State of Oregon must submit protocols to Oregon Health Authority (OHA), Oregon OSHA, and the Governor's office to ensure training, competition and play is in alignment with all public and workplace health guidance and county phase requirements. Training, competition and play cannot resume until protocols are reviewed and approved by OHA, Oregon OSHA, and the Governor's office.

To the degree such protocols have been approved and address the issues covered by this temporary COVID-19 rule, those protocols will represent compliance with the provisions of this rule.

Additional Resources:

[Oregon Health Authority Signs You Can Post](#)

[Oregon Health Authority Statewide Mask, Face Covering, and Face Shield Guidance](#)

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Appendix A-11 Mandatory Workplace Guidance for Employers Operating Licensed Swimming Pools, Licensed Spa Pools, And Sports Courts

Application: This appendix applies to employers who operate or otherwise use general- and limited-use pools and sports courts. To the degree this appendix provides specific guidance, it supersedes the requirements for physical distancing, the use of masks, face coverings, or face shields, and sanitation of the COVID-19 Temporary Rule (OAR 437-001-0744); to the degree a situation is not addressed by the specific language of this appendix, the requirements of the rule apply. In addition, certain activities (for example, those involving education) may be addressed by other appendices.

Note: In accordance with [Oregon Health Authority Statewide Mask, Face Covering, Face Shield Guidance](#) and subsection (3)(b) of the Temporary Rule for COVID-19, it is strongly recommended but not required that individuals wear a mask or face covering as source control instead of a face shield alone.

Definitions: For purposes of this appendix, the following definitions apply:

Full-contact sports means sports that require or are likely to have routine or sustained close proximity or physical contact between participants, and includes but is not limited to football, rugby, wrestling, cheerleading, basketball, hockey, dance, water polo, men's lacrosse.

General-use pools are licensed swimming pools, typically involving larger facilities such as municipal swimming pools or community center pools.

Limited-use pools are licensed swimming pools operated in connection with a companion facility, such as an apartment complex, hotel/motel, private club, association or organizational camp where the pool is limited to residents, patrons or members.

Minimal- and medium-contact sports include but are not limited to softball, baseball, soccer, volleyball, women's lacrosse, flag football.

Non-contact sports include but are not limited to tennis, swimming, golf, cross country, track and field, sideline/no contact cheer and dance.

Sports court means any public or privately-owned facilities for the use of sports.

Note: Applicable Oregon Health Authority guidance in place at the time of the adoption of this rule prohibits full-contact sport play; training and conditioning for full contact sports are allowed. Training and conditioning, such as weightlifting, running drills and intra-squad scrimmaging, cannot include full contact of any kind.

A. General Operations. Employers operating pools and sport courts must take the following steps:

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1. Prohibit workers with any of the COVID-19 symptoms (fever, cough, shortness of breath, etc.) from working or entering premises;
 2. Prohibit visitors with any of the symptoms associated with the COVID-19 virus from entering the premises. If a visitor has symptoms of COVID-19, staff must ask them to leave the pool, provide the visitor with a face covering or mask, and help the visitor minimize their contact with staff and other visitors before exiting the facility. Immediately disinfect all areas used by the sick visitor; and
 3. Ensure equipment is in good condition, according to any applicable maintenance and operations manuals and standard operating procedures.
- B. Physical Distancing Measures.** To ensure appropriate physical distancing, employers operating such facilities must do the following:
1. Maintain physical distancing of at least 6 feet between people;
 2. Inform visitors that members of the same party can participate in activities together and do not have to stay 6 feet apart;
 3. Assign a physical distancing monitor to ensure compliance with all distancing requirements, including at entrances, exits, restrooms and any other area where people may gather;
 4. Develop a plan to limit the number of visitors admitted into the pool and/or sport court area so that 6 feet of physical distancing can be maintained. Operators may consider requiring reservations to limit the number of individuals in the pool area;
 5. Alter pool deck layouts to ensure visitors and staff can keep 6 feet of physical distance;
 6. If using the pool for lap swim, design and implement a plan so that swimmers enter and exit the pool on opposite ends and maintain 6 feet of physical distance between one another. Prohibit the gathering of people within the facility, including at the ends of lanes;
 7. Designate a waiting area for swimmers that allows for 6 feet physical distancing;
 8. If locker room use is allowed, develop and implement a plan to limit the number of individuals using showers and changing rooms at the same time;
 9. If locker room use is allowed, develop and implement a plan to keep at least 6 feet of physical distance between people within the locker room(s);

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10. Ensure that the any locker room use does not exceed maximum occupancy. Use the total square footage of the locker room to determine the maximum occupancy of the locker room based on a minimum of 35 square feet per person; and

11. For spa pools, limit the use of the pool to one household unit at a time. Operators may consider scheduling reservations in 15-minute increments.

C. **Masks, Face Coverings, and Face Shields.** To reduce the risk of transmission from potentially infected individuals, employers operating such facilities must review and implement [OHA Statewide Mask, Face Covering, Face Shield Guidance](#); if at any point such guidance is no longer available, such employers must require all employees, patrons, and other visitors five years of age and older, unless they are eating or drinking, to wear masks, face coverings, or face shields in all indoor spaces, and in all outdoor spaces whenever at least 6 feet of physical distancing cannot be consistently ensured.

Note: While reasonable accommodation for those unable to wear a mask, face covering, or face shield must be provided, such an accommodation does not include exempting individuals from the requirement to wear a mask, face covering, or face shield.

D. **Sanitation and Cleaning.** To reduce the risks from surface contact, such employers must do the following:

1. Require employees to practice healthy hygiene to reduce the spread of COVID-19 including washing their hands frequently and covering their sneezes and coughs;
2. Close water fountains, except for those designed to refill water bottles in a contact-free manner. Water bottles may not come into contact with the water fountain;
3. For sports courts, frequently clean and disinfect shared equipment. This includes, but is not limited to, equipment such as bats, balls and rackets. Use disinfectants that are included on the Environmental Protection Agency (EPA) approved list for the SARSCoV-2 virus that causes COVID-19;
4. Use disinfectants that are included on the [Environmental Protection Agency \(EPA\) approved list](#) for the SARS-CoV-2 virus that causes COVID-19. No product will be labeled for COVID-19 yet, but many products will have a label or information available on their websites about their effectiveness for human coronavirus;

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5. Comply with the sanitation provisions of the rule and frequently clean and disinfect work areas, high-traffic areas, and commonly touched surfaces in areas accessed by staff and visitors, including counters, tables, lounge chairs handrails, door handles, water fountains, showers, pool toys and other commonly touched surfaces;
 6. Regularly clean restrooms and ensure they are supplied with soap, paper towels and hand sanitizer for planned use;
 7. Ensure hand sanitizer is available at locations around the facility for both staff members and visitors;
 8. Have maintenance staff or a pool maintenance company regularly check the pool recirculation equipment for proper operation and disinfectant levels prior to the opening of the pool;
 9. Prohibit lifeguards from cleaning and sanitizing while on duty;
 10. Thoroughly clean all areas of pool and sport courts prior to reopening after extended closure. Specifically, for pools, flush your water system, both hot and cold water, until the hot water reaches its maximum temperature (take care minimize splashing and aerosol generation during flushing); and
 11. After extended closure, clean other water-using devices, such as ice machines, may require additional cleaning steps in addition to flushing, such as discarding old ice. Follow water-using following device manufacturers' instructions.
- E. **Signage.** To reinforce the need to minimize COVID-19 risks, such employers must do the following:
1. Post clear signs listing COVID-19 symptoms, asking staff and visitors with symptoms to stay home, and listing whom to contact if they need assistance. Operators may post warning signs in visible locations of how to stop the spread of COVID-19 virus (including the sharing of items such as goggles, and other hard to clean items);
 2. [Use signs](#) to require physical distancing throughout facility, including but not limited to reception areas, eating areas and near restrooms; and
 3. Post [clear signs](#) about the mask, face covering, and face shield requirements.

Additional Resources:

[Oregon Health Authority Signs You Can Post](#)
[OHA Statewide Mask, Face Covering, and Face Shield Guidance](#)
[OAR 333, Division 60 \(Public Swimming Pools\)](#)

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Appendix A-12 Mandatory Workplace Guidance for Employers Operating Fitness-Related Organizations

Application: This appendix applies to fitness-related organizations including but not limited to gyms, fitness centers, personal training, dance studios, and martial arts centers. To the degree this appendix provides specific guidance, it supersedes the requirements for physical distancing, the use of masks, face coverings, or face shields, and sanitation of the COVID-19 Temporary Rule (OAR 437-001-0744); to the degree a situation is not addressed by the specific language of this appendix, the requirements of the rule apply. In addition, certain activities, such as the operation of swimming pools, spa pools or sport courts may be addressed by other appendices.

Note: In accordance with [Oregon Health Authority Statewide Mask, Face Covering, Face Shield Guidance](#) and subsection (3)(b) of the Temporary Rule for COVID-19, it is strongly recommended, but not required, that individuals wear a mask or face covering as source control instead of a face shield alone.

Definitions: For purposes of this appendix, the following definitions apply:

Full-contact sports means sports that involve a requirement or substantial likelihood of routine, sustained close proximity or physical contact between participants, and includes but is not limited to football, rugby, wrestling, cheerleading, basketball, hockey, dance, water polo, men's lacrosse.

Minimal- and medium-contact sports include but are not limited to softball, baseball, soccer, volleyball, women's lacrosse, flag football.

Non-contact sports include but are not limited to tennis, swimming, golf, cross-country, track and field, sideline/no-contact cheer and dance.

A. **General Operations.** Employers operating fitness-related organizations must ensure that the following screening measures are taken:

1. Ensure all facilities and equipment are safe to operate and are in good condition after the extended closure. Maintenance and operations manuals and standard operating procedures should guide this work;
2. Close water fountains, except for those designed to refill water bottles in a contact-free manner. Strongly encourage clients to bring their own water bottles to the facility;

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3. Ensure that ventilation systems operate properly. Increase air circulation and ventilation as much as possible by opening windows and doors. In indoor spaces, fans should be used only when windows or doors are open to the outdoors in order to circulate indoor and outdoor air. Do not open windows and doors if doing so poses a safety risk to employees, children or customers; and
4. Flush water pipes weekly while the building is vacant and prior to resuming normal building use (stagnant water in pipes can create conditions that favor the growth and spread of Legionella and other harmful bacteria (see [Guidance for Reopening Building Water Systems after Prolonged Shutdown](#)).

Note: Applicable Oregon Health Authority guidance in place at the time this rule was adopted prohibits full- contact sports. Gymnasiums must be used only for non-contact sports or individual skills development not requiring contact with other people.

Note: Applicable Oregon Health Authority guidance in place at the time this rule was adopted requires saunas and steam rooms to remain closed. It also requires that drop-in child care remain closed.

- B. General Operations – Client Screening.** Employers operating such facilities must record client contact information, date and time for client facility use. If there is a positive COVID-19 case associated with the facility, public health officials may need the business to provide this information for a contact tracing investigation. Unless otherwise required, this information may be destroyed after 60 days from the session date.

Note: Employers operating such facilities are encouraged, but not required, to take the following additional steps:

- Screen clients prior to start of their session in the facility such as asking:
 - ✓ Have you had a new or worsening cough?
 - ✓ Have you had a fever?
 - ✓ Have you had shortness of breath?
 - ✓ Have you been in close contact with anyone with these symptoms or anyone who has been diagnosed with COVID-19 in the past 14 days?

Appropriate Response: If the client responds “yes” to any of the screening questions, ask them to return home and wait to return to the facility until all symptoms, including fever have been resolved for at least 24 hours without medication, or at least 14 days after contact with a person with a cough, fever, or diagnosed with COVID-19.

- Strongly encourage a client exhibiting symptoms of illness to immediately leave the facility and not return until at least 24 hours after symptoms have resolved without medication.
- Strongly encourage clients at higher risk for severe COVID-19 complications (persons over age 60 or with underlying medical conditions) to continue to stay home to reduce their risk of exposure.

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C. Physical Distancing Measures. To ensure appropriate physical distancing, employers operating such facilities must do the following:

1. Abide by any applicable gathering size or capacity limitations imposed by the Oregon Health Authority;
2. Limit fitness class size to maximum occupancy of the room (as long as it ensures 6 feet of separation);
3. Position staff to monitor physical distancing and disinfecting requirements;
4. Consider holding fitness activities or classes outdoors if it can be done safely, when it does not violate any local ordinances, and when participants and instructors can maintain 6 feet of physical distance;
5. Limit exercise equipment stations to those located at least 6 feet apart;
6. Establish one-way traffic flow, where possible, for equipment circuits, tracks, etc. Use signs to direct one-way flow of traffic; and
7. For one-to-one personal training, maintain 6 feet of physical distance between trainer and client.

Note: Applicable Oregon Health Authority guidance in place at the time this rule was adopted requires equipment to be blocked from being used if it cannot be moved to facilitate physical distancing.

D. Masks, Face Coverings, and Face Shields. To reduce the risk of transmission from potentially infected individuals, employers operating such facilities must review and implement [OHA Statewide Mask, Face Covering, Face Shield Guidance](#); if at any point such guidance is no longer available, such employers must require all employees, patrons, and other visitors five years of age and older, unless they are eating or drinking, to wear masks, face coverings, or face shields in all indoor spaces, and in all outdoor spaces whenever at least 6 feet of physical distancing cannot be consistently ensured.:

Note: While reasonable accommodation for those unable to wear a mask, face covering, or face shield must be provided, such an accommodation does not include exempting individuals from the requirement to wear a mask, face covering, or face shield.

Note: Employers operating fitness-related organizations are encouraged, but are not required, to implement the following additional measures to further minimize the risk of infection due to interpersonal contact:

- Place clear plastic or glass barriers in front of reception counters, or in other places where maintaining 6 feet of physical distance between employees and clients is more difficult.
- Schedule gym time by appointment to limit number of people in the facility.
- Encourage use during non-peak times as determined and publicized by facility management.

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- Offer virtual fitness classes, especially for persons at higher risk for severe COVID-19 complications such as people over 60 years of age or individuals with underlying medical conditions.
- Encourage one-way flow with marked entrances and exits, but do not block egress for fire exits. Use signs to direct one-way flow of traffic.

E. Sanitation and Cleaning. To reduce the risks from surface contact, such employers must do the following:

1. Thoroughly clean all areas of fitness-related organization prior to reopening after extended closure;
2. Use disinfectants that are included on the [Environmental Protection Agency \(EPA\) approved list](#) for the SARS-CoV-2 virus that causes COVID-19. No product will be labeled for COVID-19 yet, but many will have human coronavirus efficacy either on the label or available on their website;
3. Require employees or facility guests to wipe down all equipment (for example, balls, weights, machines, etc.) immediately before and after each use with a disinfectant provided by the gym that is included on the EPA-approved products for the SARS-CoV-2 virus that causes COVID-19. A solution of 60%-95% alcohol content also works;
4. Comply with the sanitation provisions of the rule and frequently clean and disinfect work areas, high-traffic areas, and commonly touched surfaces in areas accessed by workers and public;
5. Thoroughly clean restrooms at least twice daily and ensure adequate sanitary supplies (e.g., soap, toilet paper, 60-95% alcohol content hand sanitizer) throughout the day; and
6. Provide handwashing stations or hand sanitizer (60-95% alcohol content) throughout the facility for use by employees and clients.

Note: Employers who operate fitness-related organizations are encouraged, but not required to take the following steps to further increase sanitation:

- Strongly encourage clients to wash hands with soap and water for 20 seconds and/or use hand sanitizer (60- 95% alcohol content) immediately before and after gym session as well as several times during the session.
- Further minimize the risks of one-to-one personal training by having the trainer and client thoroughly wash hands with soap and warm water or use hand sanitizer (60-95% alcohol content) immediately before and after appointment.

F. Signage. To reinforce the need to minimize COVID-19 risks, such employers must do the following:

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1. Post clear signs listing COVID-19 symptoms, asking staff and visitors/clients with symptoms to stay home, and listing whom to contact if they need assistance. Operators may post warning signs in visible locations of how to stop the spread of COVID-19 virus (including the sharing of items such as goggles, and other hard to clean items);
 2. [Use signs](#) to require physical distancing throughout facility, including but not limited to reception areas, eating areas, locker rooms, and near popular equipment; and
 3. Post [clear signs](#) about the mask, face covering, and face shield requirements.
- G. **Special Requirements for Locker Rooms.** If the fitness-related organization allows locker room use, fitness-related organizations are required to take the following additional steps:
1. Develop and implement a plan to limit the number of individuals using showers and changing rooms at the same time;
 2. Develop and implement a plan to keep at least 6 feet of physical distance between people;
 3. Ensure that the locker room does not exceed maximum occupancy. Use the total square footage of the locker room to determine the maximum occupancy of the locker room based on a minimum of 35 square feet per person; and
 4. Assign a physical distancing monitor to ensure individuals follow all physical distancing requirements, including at entrances, exits, restrooms and any other area where people may gather.

Additional Resources:[Oregon Health Authority Signs You Can Post](#)[Oregon Health Authority Statewide Mask, Face Covering, and Face Shield Guidance](#)

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Appendix A-13 Mandatory Workplace Guidance for K-12 Educational Institutions (Whether Public Or Private)

Application: This appendix applies to employers who operate schools or other educational institutions for children from kindergarten through the 12th grade (or any portion thereof). To the degree this appendix provides specific guidance, it supersedes the requirements for physical distancing, the use of masks, face coverings, or face shields, and sanitation of the COVID-19 Temporary Rule (OAR 437-001-0744); to the degree a situation is not addressed by the specific language of this appendix, the requirements of the rule apply. In addition, certain activities (for example, those involving recreation and sports) may be addressed by other appendices.

Note: In accordance with [Oregon Health Authority Statewide Mask, Face Covering, Face Shield Guidance](#) and subsection (3)(b) of the Temporary Rule for COVID-19, it is strongly recommended, but not required, that individuals wear a mask or face covering as source control instead of a face shield alone.

Note: Although this appendix is based upon the workplace health portions of [Ready Schools, Safe Learners](#), published by the Oregon Department of Education and the Oregon Health Authority, it does not address many other issues included in that document, including those related specifically to student health and to decisions about whether to open on-site educational activities. Employers operating schools therefore must be familiar with that guidance as well. Additional guidance can be found in the U.S. Centers for Disease Control and Prevention's "[Strategies for Protecting K-12 School Staff from COVID-19](#)"

A. General Operations. As districts plan and implement the requirements and recommendations included in this guidance, will necessarily need to consider a continuum of levels of risk when some requirements (or recommendations) cannot be fully accommodated. When it is necessary to adjust implementation of this appendix because it is not possible to fully comply, school operators must take other steps to mitigate the risks.

For example, maintaining physical distance (6 feet apart from others) is best. There will be times when this is not possible based on a necessary activity or the available space is limited. Steps to minimize the risks of such close proximity activities could include ensuring it is for a short duration, ensuring handwashing immediately before and after, avoiding touching your face, teaching safe etiquette for coughing and sneezing, and/or using the required mask, face covering, or face shield (unless the nature of the interaction also makes their use impossible).

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- B. General Operations – Screening and Advanced Quarantine.** In order to reduce the risks of outbreaks within the school, such employers must do the following whenever they are aware of a person required to isolate or quarantine for COVID-19:
1. Screen all students and staff for symptoms on entry to bus/school every day. This can be done visually and/or with confirmation from a parent/caregiver/guardian. Staff members can self-screen and attest to their own health;
 2. Direct students and staff to stay home if they, or anyone in their home or community living spaces, have primary COVID-19 symptoms (cough, fever greater than 100.0°F, chills, shortness of breath, or difficulty breathing) or if anyone in their home or community living spaces has COVID-19. Staff or students with a chronic or baseline cough that has worsened or that is not well-controlled with medication should be excluded from school, but do not exclude staff or students who have other symptoms that are chronic or baseline symptoms (for example, asthma, allergies, etc.);
 3. Direct any person (student, staff member, or volunteer) who has tested positive or who is a presumptive case for COVID-19 to remain at home to isolate until their medical provider indicates it is safe for them to return or at least 10 days have passed and they have experienced at least 24 hours with no fever without the use of fever-reducing medication;
 4. Direct any person who has been in close contact (less than 6 feet away for more than 15 minutes) with a person with a confirmed COVID-19 to remain home to isolate until their medical provider indicates it is safe for them to return or 14 symptom-free days have passed since they were last exposed (those who have been exposed only to another person who was themselves exposed to a person with COVID-19 are not required to isolate); and
 5. Whenever a COVID-19 positive case occurs, implement the detailed Ready Schools, Safe Learners guidance related to communication, isolation, and quarantine, in consultation with the local public health agency.
- C. Physical Distancing Measures.** To ensure appropriate physical distancing, employers operating such facilities must do the following:
1. Establish a minimum of 35 square feet per person when determining room capacity. Calculate only with usable classroom space, understanding that desks and room set-up will require use of all space in the calculation. This also applies to employee training and staff gatherings or meetings;

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2. Support physical distancing in all daily activities and instruction, maintaining 6 feet between individuals to the maximum extent possible;
3. Minimize time individuals stand in lines and take steps to ensure that 6 feet of distance between students is maintained, including marking spacing on floor, one-way traffic flow in constrained spaces, etc.;
4. Schedule modifications to limit the number of students in the building (for example, rotating groups by days or location, staggered schedules to avoid hallway crowding and large gathering);
5. Plan for students who will need additional support in learning how to maintain physical distancing requirements. Provide instruction; punitive discipline should not be used;
6. Maintain physical distancing during all staff meetings and conferences or consider remote web-based meetings;
7. Cancel, modify, or postpone field trips, assemblies, athletic events, practices, special performances, school- wide parent meetings and other large gatherings to ensure requirements for physical distancing can be met;
8. Minimize the movement of individuals in hallways and other common areas to the extent possible; create hallway procedures to promote physical distancing and minimize gatherings.

Note: Employers engaged in such sports are encouraged, but not required, to use the following additional practices to encourage appropriate physical distancing:

- Consider utilizing outdoor spaces, common areas, and other buildings in planning.
- In high schools or settings where students require individualized schedules or elective classes, ways to reduce mixing among cohorts should be considered.
- Reinforce health and safety protocols. Daily activities and curriculum should support physical distancing.

D. Use of Cohorts to Supplement Physical Distancing Measures. Schools must take the following steps to establish stable cohort groups, a key strategy in reducing the spread of disease:

1. Identify and establish cohort groups in each school. Students can be part of more than one stable cohort during the school day, but with each new cohort there is increased risk;
2. Minimize interaction between students in different stable cohorts (for example, access to restrooms (including all-gender or gender-neutral restrooms), activities, and common areas);

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3. Establish a system to ensure that contact tracing can be completed each cohort; daily individual student or cohort logs are required;
4. Where feasible, establish stable cohort groups that are no larger than can be accommodated by the space available to allow at least 35 square feet per person, including staff; and
5. Ensure that no student is part of any single cohort, or part of multiple cohorts, that exceed a total of 100 people within the educational week.

Note: To increase the effectiveness of cohorts in reducing risks of disease, schools are encouraged, but not required, to take the following additional steps:

- A smaller cohort size of 24-36 individuals is recommended for public health and safety, and schools are encouraged to create and maintain even smaller sized cohorts when feasible.
- When feasible, stable cohorts should remain in one classroom environment for the duration of the learning day, including lunch, with teachers of specific academic content areas rotating (instead of students) to the maximum extent possible.

Note: As indicated by the detailed guidance in [Ready Schools, Safe Learners](#), students should not be placed into full-time cohort groups based on any demographic or disability criteria (for example, students with complex medical needs, students with IEPs, students receiving language services, etc.).

E. Special Precautions Related to Volunteers and Visitors. Schools must take the following steps when allowing volunteers or other visitors into the workplace:

1. Restrict the presence of non-essential visitors or volunteers (examples of essential visitors include DHS Child Protective Services, Law Enforcement, etc.; examples of non-essential visitors include Parent Teacher Association, classroom volunteers, etc.); and
2. Screen all visitors/volunteers for symptoms upon every entry. Restrict from school property any visitor known to have been exposed to COVID-19.

Note: Volunteers and other visitors must maintain 6-foot physical distancing, wear masks, face coverings, or face shields and adhere to all other provisions of this guidance.

F. Masks, Face Coverings, and Face Shields. To reduce the risk of transmission from potentially infected individuals, schools must take the following actions:

1. Provide and require the use of masks, face coverings, or face shields by all staff, contractors, other service providers, or visitors or volunteers. Individuals may remove their face coverings while working alone in private offices;

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2. Require masks, face coverings, or face shields for all students in Kindergarten and up (Ready Schools, Safe Learners provides more detailed guidance addressing the use of masks, face coverings, or face shields by students); and
 3. Provide and require the use of face masks by school nurse or other personnel when providing direct patient care or in-person monitoring of staff/students displaying symptoms for COVID-19. Personnel also must wear appropriate personal protective equipment (PPE) suitable to their activities.
- G. **Sanitation and Cleaning.** To reduce the risks from surface contact, schools must do the following:
1. Encourage all persons to engage in appropriate hand hygiene (wash with soap and water for 20 seconds or use an alcohol-based hand sanitizer with 60-95% alcohol) on entry to school every day and frequently throughout the day;
 2. Develop and use sanitizing protocols for all equipment used by more than one individual or purchase equipment for individual use;
 3. Establish policies for personal property being brought to school (for example, refillable water bottles, school supplies, headphones/earbuds, cell phones, books, instruments, etc.). If personal items are brought to school, they must be labeled prior to entering school and use should be limited to the item owner;
 4. Provide time and supplies for the cleaning and disinfecting of high-touch surfaces between multiple student uses, even in the same cohort;
 5. Ensure that staff who interact with multiple stable cohorts wash/sanitize their hands between interactions with different stable cohorts; and
 6. Ensure appropriate cleaning whenever a COVID-19 positive case is reported. The size of the cleaning area depends on the number of people infected and where they and their close contacts spent time. For example, it may only be necessary to clean (beyond normal procedures) one part of the building if those who tested positive spent time only in that area of the school.

Additional Resources:

[Oregon Health Authority Signs You Can Post](#)

[Oregon Health Authority Statewide Mask, Face Covering, and Face Shield Guidance](#)

Oregon Department of Education and OHA, [Ready Schools, Safe Learners](#)

U.S. Centers for Disease Control and Prevention "[Strategies for Protecting K-12 School Staff from COVID-19](#)"

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Appendix A-14 Mandatory Workplace Guidance for Employers Operating Child Care And Early Education Programs

Application: This appendix applies to employers who operate any of the following types of child care and early education programs:

- ✓ All licensed programs, including Certified Center (CC), Certified Family (CF), and Registered Family (RF).
- ✓ All child care and preschool provided in public school settings.
- ✓ All Recorded Programs, including school-age.
- ✓ Oregon Pre-Kindergarten (Prenatal to Kindergarten), Preschool Promise, and Baby Promise.
- ✓ Oregon Relief Nurseries.
- ✓ Early Intervention and Early Childhood Special Education (EI/ECSE) provided in a child care or early education setting.

To the degree this appendix provides specific guidance, it supersedes the requirements for physical distancing, the use of masks, face coverings, or face shields, and sanitation of the COVID-19 Temporary Rule (OAR 437-001- 0744); to the degree a situation is not addressed by the specific language of this appendix, the requirements of the rule apply. In addition, certain activities (for example, those involving recreation and sports) may be addressed by other appendices.

Note: Although this appendix is based upon the workplace health portions of [Health & Safety Guidelines for Child Care and Early Education Operating During COVID-19](#), published by the Oregon Department of Education Early Learning Division and the Oregon Health Authority, it does not address many other issues included in that document, including those related specifically to child health and to decisions about whether to open on-site activities. Employers operating child care and early education must therefore be familiar with that guidance as well.

Note: In accordance with [Oregon Health Authority Statewide Mask, Face Covering, Face Shield Guidance](#) and subsection (3)(b) of the Temporary Rule for COVID-19, it is strongly recommended but not required that individuals wear a mask or face covering as source control instead of a face shield alone.

- A. **General operations.** Operate ventilation systems properly and/or increase circulation of outdoor air as much as possible by opening windows and doors, using fans (but only when windows and doors are open), and other methods.
- B. **Special requirements during drop-off and pick-up.** Employers operating such programs must implement the following procedures when parents or caregivers are dropping off or picking up children:

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1. Require parents or caregivers to drop-off or pick-up children from program staff outside of the facility. Registered Family (RF) or Certified Family (CF) providers may allow parents or caregivers to enter when only one staff member is on site, but they must wait for the previous family to exit the home before entering;
2. Require parents or caregivers to wear a mask, face covering, or face shield during drop-off or pick-up;
3. Require parents or caregivers during drop-off or pick-up to maintain physical distancing when not engaged in hand-off of children to staff;
4. Provide hand hygiene stations at the entrance of the facility – outside or immediately inside – so that children and staff can clean their hands as they enter. If a sink with soap and water is not available, provide hand sanitizer between 60%-95% alcohol at the entrance. Keep hand sanitizer out of children's reach and supervise use; and
5. Sanitize or switch out writing utensils used for drop-off and pick-up between uses by different people.

Note: Employers operating such programs are encouraged, but not required, to implement the following additional measures to provide further protection during drop-off and pick-up.

- Schedule staggered drop-off and pick-up times for families.
- Encourage families to have the same person drop children off and pick them up every day.
- Suggest to families that those at higher-risk of contracting COVID-19 not serve as the designated person for drop-off or pick-up.
- Consider low or no contact sign-in and -out methods such as a different sheet, pen, or clipboard for each child, or have staff complete the sign-in and -out process.

C. Daily health check and isolation/quarantine requirements. Employers operating such programs must conduct a daily health check for any children, staff, or other individuals (parents, maintenance staff, etc.) coming into the facility:

1. Require designated staff to take temperature of all entering children and other individuals coming into contact with a stable group. If they have a temperature of 100.0°F or over, they must be excluded. Staff may self-screen and attest to their temperature on a daily basis.
2. Ask all entering adults and children (or, if the child is not able to reliably answer, ask the adults who are dropping off the child):
 - ✓ Has the adult or child been exposed to a person with a positive case of COVID-19 in the past 14 days?

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Required response: If the answer is “yes,” they must quarantine for 14 days from the date of last contact with the COVID-19 case (the required quarantine cannot be shortened by either a negative COVID-19 test or a note from a medical professional).

- ✓ Has the adult or child been exposed in the past 14 days to a person with a presumptive case of COVID-19 as defined by Oregon Health Authority?

Required response: If the answer is “yes,” they must quarantine for 14 days from the date of last contact with the COVID-19 case (the required quarantine cannot be shortened by either a negative COVID-19 test or a note from a medical professional).

- ✓ Is the adult or child experiencing a fever of 100.0°F or greater?

Required response: If the answer is “yes,” they must be excluded from the program for at least 10 days, and they must be free of fever (without fever-reducing medication) for at least 24 hours before their return.

- ✓ Is the adult or child experiencing an unusual cough (not normal for this person due to issues such as allergies or asthma) or shortness of breath?

Required response: If the answer is “yes,” they must be excluded from the program until they have been checked by a medical professional is cleared or they have been symptom-free for at least 24 hours, they can remain in or return to the program following the documented direction of the medical professional.

- ✓ Is the adult or child experiencing diarrhea, vomiting, headache, sore throat, or rash?

Required response: If the answer is “yes,” they must be excluded from the program until they have been checked by a medical professional is cleared or they have been symptom-free for at least 24 hours, they can remain in or return to the program following the documented direction of the medical professional.

3. Require staff members to self-screen and attest to their own health on a daily basis.
4. Document that a daily health check was completed on every person entering; write down “pass” or “fail” only. Do not record symptoms or temperature, in order to maintain privacy.

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5. If a person develops these symptoms while at the facility or learns while at the facility that they have been exposed to a positive case, separate them until they can leave the facility and send them home as soon as possible.
- D. Group Size and Stable Groups.** Employers operating such programs are required to reduce the risk of COVID-19 transmission by managing group size and the use of stable groups:
1. Assign and keep children in stable groups with the same assigned adults. A new child may be added or moved to a different stable group if it is a permanent change.
 2. Require staff to practice physical distancing of at least 6 feet at all times within the facility with parents or other adult visitors, as well as other staff who are not usually with the same stable group.
 3. Require staff assigned to a stable group to practice physical distancing with children from other stable groups and take precautions to ensure children do the same. Staff and children are not required to physically distance from adults or children within their stable group.
 4. Only staff assigned to a stable group may be inside of classrooms, except that additional adults outside of the stable group may be allowed into the classroom in order to provide any of the following services:
 - ✓ Specialized services to children such as those associated with Early Intervention or Early Childhood Special Education.
 - ✓ Meet monitoring requirements of publicly funded or regulated programming.
 - ✓ Maintain ratios during staff breaks, including through the use of “floaters.”
 - ✓ Service to the facility that cannot take place outside of program hours.
 5. When providing outdoor activities, there cannot be more than one stable group of children in one outside area at a time. Programs may have separate areas as long as stable groups are kept apart and there is at least 75 square feet per child in that area. Recorded programs may use a visual barrier to define the outside space.
 6. No facility may serve more than 250 children.
 7. Staff-to-child ratios and maximum group sizes must adhere to those specified in licensing rules by provider type and by the provider’s license (which may be for fewer children).

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Note: Early learning and child care employers are encouraged, but not required, to take the following additional steps to reduce the risk of COVID-19 transmission:

- Reduce time spent in whole or large group activities.
- Limit the number of children in each program space, such as learning centers.
- Depending on the size of the group and the age of the children, separate learning environments into individual spaces for each child.
- Minimize time standing in lines and take steps to ensure that distance between the children is maintained.
- Incorporate additional daily outside time (complying with the outside space requirements).
- Sanitize outdoor play equipment between groups of children.
- Increase the distance between children during table work.
- Plan activities that do not require close physical contact between multiple children.
- Provide children with their own materials and equipment if possible (for example, writing utensils, scissors, high chairs).
- Incorporate assigned mats at circle time.
- For sensory activities, staff can arrange the room for individually planned sensory activities that utilize totes or trays so each child can have their own.

E. Masks, Face Coverings, and Face Shields, and Personal Protective Equipment for Children and Adults. To reduce the likelihood that potentially infected individuals will transmit disease, early education and child care employers are required to take the following steps:

1. Require all staff, contractors, other service providers, or visitors or volunteers who are in the facility or in the designated child care section of the child care provider's home, to wear a mask, face covering or face shield as defined by the rule;
2. Require all children who are in grades Kindergarten and up who are in the child care facility or the designated child care section of Registered Family (RF) or Certified Family (CF) program to wear a mask, face covering or face shield as defined in the rule;
3. Require all adults and children who are kindergarten age and up to wear a mask, face covering or face shield when outside, if 6 feet of physical distance cannot be maintained;
4. Allow a child between two years and Kindergarten to wear a mask, face covering or face shield, if: requested by the parent/guardian, the mask, face covering or face shield fits the child's face measurements, and the child is able to remove the mask, face covering or face shield themselves without assistance;

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5. If a child removes a mask, face covering or face shield, or demonstrates a need to remove the mask, face covering or face shield for a short-period of time, staff must supervise the child to maintain 6 feet or more of physical distancing from all adults and children while the mask, face covering or face shield is removed. If needed, show the child how to effectively wear a mask, face covering or face shield. Guide the child to re-engage in safely wearing a mask, face covering, or face shield. Children should not be disciplined for their inability to safely wear a mask, face covering, or face shield;
6. Allow children in grades Kindergarten and up to not wear a mask, face covering, or face shield:
 - ✓ If they have a medical condition that makes it difficult for them to breathe with a mask, face covering, or face shield as documented by their doctor's order.
 - ✓ If they experience a disability that prevents them from wearing a mask, face covering, or face shield, as documented by their doctor's order.
 - ✓ If they are unable to remove the mask, face covering, or face shield independently.
 - ✓ While sleeping.
7. Ensure children under two never wear a mask, face covering, or face shield;
8. Require staff or child to wash hands before putting on a mask, face covering, or face shield, after taking masks, face coverings, or face shields off, and anytime the mask, face covering, or face shield is touched. Hand-sanitizing products with 60-95% alcohol content may be used as an alternative to washing hands. Children must be supervised when using hand sanitizer, and it must be stored out of reach of children when not in use;
9. Require masks or face coverings to be washed daily or a new mask or face covering to be worn daily. After removal of a soiled mask or face covering, it should be put away into a secure place that is not accessible to others. For example, it could be placed into a plastic bag or plastic container that is inaccessible to children prior to being cleaned;
10. A face shield must be wiped down with disinfectant at the end of the day after use;
11. Require disposable masks, face coverings, or face shields to be worn only once;

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12. Masks or face coverings must be changed after a daily health check if the adult interacted with a sick child;
13. Face shields must be sanitized after the daily health check if the adult interacted with a sick child. For Certified Centers and Recorded Programs, face shields must be sanitized after the daily health checks are completed;
14. For Certified Centers and Recorded Programs only, require adults who engage in health and safety checks to wear a clean, outer layer of clothing (for example, a larger size, long sleeve button down shirt, a smock, or an apron) during the daily health checks; and
15. For Certified Centers and Recorded Programs only, require adults, such as floaters or early interventionists, who interact with multiple, stable groups to wear a clean, outer layer of clothing when moving to a new group.

F. Cleaning and Sanitation – Hand Hygiene.

1. Require staff and children to wash hands for at least 20 seconds (hand sanitize with alcohol content between 60-95% is allowed when an asterisk* appears):
 - ✓ Before and after eating, preparing food, and or bottle preparation.
 - ✓ Before and after administering medication.
 - ✓ After toileting or assisting with toileting.
 - ✓ Before and after diapering.
 - ✓ After wiping a nose, coughing, or sneezing.*
 - ✓ After coming in from outside.*
 - ✓ Upon entering and leaving the child care facility.*
 - ✓ If staff are moving between stable groups.*
 - ✓ After sharing toys, learning materials, etc.*
2. Make handwashing materials easily accessible to each stable group.
3. Store hand sanitizer out of reach of children when not in use.

G. Cleaning and Sanitation – Building and Surfaces. Child care and early education employers must implement the following cleaning and disinfectant measures to reduce the risks from surface contamination:

1. Require those engaged in cleaning and disinfecting surfaces to employ the following practices:

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- ✓ Wear disposable gloves when cleaning and disinfecting surfaces (instead of disposables, you can wear reusable rubber gloves except when cleaning and disinfecting areas around a sick person or when in contact with diapers, stool, blood, and other bodily fluids).
 - ✓ Wash hands with soap and water as soon as you remove the gloves.
 - ✓ Clean dirty surfaces using a detergent or soap and water prior to disinfection.
 - ✓ Use products approved by the EPA for use against SARS-CoV-2 for household disinfectant: <https://www.epa.gov/pesticide-registration/list-n-disinfectants-coronavirus-covid-19>. Follow instructions on the label (such as concentration, application method, and contact time).
 - ✓ Diluted household bleach solutions are also allowable when appropriate for the surface. If using bleach, mix water (not hot water) with bleach using instructions on the bleach bottle. Leave diluted bleach mixture on the surface for at least one minute.
 - ✓ Do not mix bleach or other cleaning and disinfection products together. This can cause fumes that may be very dangerous to breathe.
 - ✓ If using bleach, make a fresh bleach dilution daily; label the bottle with contents and the date mixed.
 - ✓ Use bleach products sparingly and, when possible, when children are not in the facility or room; if possible, use wipes or apply product directly to a dampened towel, rather than using spray when there are children or adults with asthma.
2. Keep all disinfectants locked up. Keep hand sanitizers out of the reach of children.

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3. Clean in accordance with the “Required Cleaning Schedule” table below and on the following pages:

Item	Sanitize or Disinfect?		Frequency Note: At times, it may be necessary to clean, rinse, sanitize, and/or disinfect more frequently			Notes
	Sanitize	Disinfect	Daily	Weekly	Before/After Each Use	
Child Care Areas						
Toys	X		X		X	<ul style="list-style-type: none">• Collect “mouthed” toys after each use by a child.• Collect all other toys daily or as they become dirty.
Objects intended for the mouth	X				X	<ul style="list-style-type: none">• Thermometers, pacifiers, teething toys, and similar objects must be cleaned and reusable parts sanitized between uses.• Pacifiers may not be shared.
Soft surfaces (e.g., carpeted floor, rugs, and drapes)		X	X			<ul style="list-style-type: none">• Vacuum carpeted floor and rugs daily.• Disinfect if soft surfaces are contaminated, using products approved by EPA for use against SARS-CoV-2.
High touch surfaces (e.g., doorknobs, light switches, non-food countertops, handles, desks, phones, keyboards, and toilets)		X	X			<ul style="list-style-type: none">• Disinfect at the end of each day.
Specific additional requirements for Registered Family (RF) and Certified Family (CF) Providers						
<ul style="list-style-type: none">• Spaces must be cleaned between the times when household members utilize the space and the times when a group of children utilize the designated child care space.• Items used for child care must be washed separately from items used by family or household members.						

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Item	Sanitize or Disinfect?		Frequency <i>Note: At times, it may be necessary to clean, rinse, sanitize, and/or disinfect more frequently</i>			Notes
	Sanitize	Disinfect	Daily	Weekly	Before/After Each Use	
Sleeping Areas						
Linens, clothing, and other items that go in the laundry				X		<ul style="list-style-type: none">• Clean at least weekly and in between use by another child.
Bed sheets, pillow cases, cribs, cots, mats, and blankets	X			X		<ul style="list-style-type: none">• Clean and sanitize bed sheets, pillow cases, cribs, cots, mats, and blankets before use by another child and at least weekly.
Toilet and Diapering Areas						
Handwashing sinks and faucets		X			After each use	
Changing tables		X			After each use	
Potty chairs		X			After each use	
Diaper trash cans		X	X			
Bathroom floors		X	X			<ul style="list-style-type: none">• At the end of the day.
Countertops			X			<ul style="list-style-type: none">• At the end of the day.
Toilets			X			

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Item	Sanitize or Disinfect?		Frequency Note: At times, it may be necessary to clean, rinse, sanitize, and/or disinfect more frequently			Notes
	Sanitize	Disinfect	Daily	Weekly	Before/After Each Use	
Food Areas						
Food preparation surfaces	X				X	
Eating utensils and dishes	X				After each use	
Tables and high chair trays	X				X	
Countertops	X		at end of day		After each use clean	
Food Preparation Appliances	X		X		After each use	
Mixed use tables	X					• Before serving food.
Refrigerator	X					• Clean monthly.
Food preparation sinks	X		X			
Kitchen floors	X		X			
Electronics						
Electronics		X				• Follow manufacturer's instructions.

Note: Child care and early education employers are encouraged, but not required, to put a cleanable cover on electronics, such as tablets, touch screens, keyboards, and remote controls.

H. **Recordkeeping.** Child care and early education employers must maintain the following records specific to COVID-19 issues:

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1. Keep daily logs separated by or indicating each stable group (people in that group or people who came in contact with that group). In addition to the reasons for recordkeeping under child care rules, additional requirements support potential contact tracing. Registered Family (RF) and Certified Family (CF) providers only: all visitors during program hours must be recorded and a log of residents kept. Residents of the home over the age of 12 do not need to be included in the daily child care attendance records – they are assumed to be present;
2. Indicate in each daily log: Child name. Adult name(s) completing drop-off and pick-up (no signature is required). Arrival and departure date and times. Name of any staff or person coming in contact with a stable group, arrival and departure date and times. Document daily health checks on all children, staff, and any person coming into the program (see Daily Health Check requirements for detailed guidance). Record only that the check was a pass or fail – not specific information. If transportation is provided by the program, document names of all other riders, and their contact information (if not recorded elsewhere);
3. Daily logs must be retained for 2 years for all children (the usual amount of time per child care rules); and
4. If a program is part of a K-12 school, this information can be recorded and incorporated into the school's records for contact tracing.

Note: Child care and early education employers are encourage, but not required, to minimize potential spread of disease from sharing writing utensils by having staff complete all required documentation, rather than parents or caregivers.

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Appendix A-15 Mandatory Workplace Guidance for Institutions Of Higher Education (Whether Public Or Private)

Application: This appendix applies to on-campus activities at public universities listed in Oregon Revised Statute (ORS) 352.002, community colleges operated under ORS chapter 341, and degree-granting private colleges and universities that operate in Oregon (referred to collectively in this document as “colleges and universities”). To the degree this appendix provides specific guidance, it supersedes the requirements for physical distancing, sanitation, and use of masks, face coverings, or face shields of the COVID-19 Temporary Rule; to the degree a situation is not addressed by the specific language of this appendix, the general requirements of the COVID-19 Temporary Rule (OAR 437-001-0744) apply. In addition, certain activities (for example, those involving food and beverage service and sports) are addressed by other appendices.

Note: Although this appendix is based upon the workplace health portions of [Guidance for the Conduct of In-Person Instructional, Residential, and Research Activities at Oregon Colleges and Universities](#) published by the Oregon Higher Education Coordination Commission and the Oregon Health Authority, it does not address many other issues included in that document, including those related specifically to student health, student congregate, and decisions about whether and how to open on-site educational activities. Colleges and Universities therefore must be familiar with that guidance as well.

Note: In accordance with [Oregon Health Authority Statewide Mask, Face Covering, Face Shield Guidance](#) and subsection (3)(b) of the Temporary Rule for COVID-19, it is strongly recommended but not required that individuals wear a mask or face covering as source control instead of a face shield alone.

A. General Operations: Colleges and universities must:

1. Allow campus spaces and buildings to be open only for official college or university business. Campus spaces and buildings should not be open to the general public. Colleges and universities may allow campus use for authorized community programs that lack alternative venues, if such programs adhere to the requirements in this and other applicable appendices or guidance;
2. Ensure facility ventilation systems operate properly. Increase air circulation as much as possible by opening windows and doors, using fans, or other methods. Do not open windows and doors if doing so poses a safety risk to staff, spectators or athletes; and
3. Consider modification or enhancement of building ventilation to increase air circulation and filtration where feasible.

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Note: Guidance on ventilation and filtration is provided by CDC

(<https://www.cdc.gov/coronavirus/2019-ncov/community/guidance-business-response.html>) and American Society of Heating, Refrigerating, and Air- Conditioning Engineers (ASHRAE) (<https://www.ashrae.org/news/ashraejournal/guidance-for-building-operations-during-the-covid-19-pandemic>).

- B. General Operations -- Entry and Self-Screening.** Require students, staff, and faculty to conduct a self-check for COVID-19 symptoms before coming to a campus.
1. Instruct students, faculty, and staff to stay at their residence if they have one or more of the following: cough, fever or chills, shortness of breath, or difficulty breathing. Note that muscle pain, headache, sore throat, new loss of taste or smell, diarrhea, nausea, vomiting, nasal congestion, and runny nose are also symptoms often associated with COVID-19, but are non-specific. More information about COVID-19 symptoms is available from CDC [here](#).
 2. Emergency signs and symptoms that require immediate medical attention: trouble breathing, persistent pain or pressure in the chest, new confusion or inability to awaken, bluish lips or face, other severe symptoms.
 3. Faculty, staff, or students who have a chronic or baseline cough that has worsened or is not well-controlled with medication to stay at their place of residence. Those who have other symptoms that are chronic or baseline symptoms should not be restricted.
- C. Instructional Activities.** For all general instruction offered for courses that lead to a lead certificate or degree, colleges and universities must:
1. Establish a minimum of 35 square feet per person when determining room capacity, calculated based only on usable classroom space. In-person classroom instruction must not exceed 50 persons, or greater than 25 persons in counties that are at Baseline or in Phase 1;
 2. Modify the physical layout of classrooms to permit students to maintain at least 6 feet of distance between one another and the instructor(s). This may include changes to traffic flow, desk or chair arrangements, or maximum capacity. Where instruction requires instructors and students to work less than 6 feet from each other require physical barriers or face masks, face coverings, or face shields, and follow all applicable CDC/OHA guidelines and industry safety standards;
 3. Utilize markings and/or signage to indicate physical distancing requirements within instructional settings;

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4. For settings with higher risk of spread, such as laboratories, computer labs, music/performance classes, studios, and locker rooms, implement enhanced measures such as greater physical distancing, physical barriers (for example, clear plastic), increased fresh air ventilation, moving instructional activities outdoors, and enhanced cleaning measures as feasible;
 5. Physical barriers are acceptable instead of, or in addition to 6 feet or more of spacing between people; and
 6. Permit remote instruction/telework or make other reasonable accommodations for students and employees who are at higher risk for severe illness from COVID-19 including those with any of the following characteristics:
 - ✓ People 65 years and older
 - ✓ People with chronic lung disease (other than mild asthma)
 - ✓ People who have serious heart conditions
 - ✓ People who are immunocompromised
 - ✓ People with obesity (body mass index [BMI] of 30 or higher);
 - ✓ People with diabetes;
 - ✓ People with chronic kidney disease undergoing dialysis;
 - ✓ People with liver disease; and
 - ✓ Any other medical conditions identified by OHA, CDC or a licensed health care provider.
- D. Special Requirements for Instruction in the Health Professions.** For all instruction and assessment in fields leading to certificates and degrees in the healthcare professions, colleges and universities must:
1. For laboratory instruction or demonstration of clinical skills without physical contact:
 - ✓ Modify the physical layout of classrooms to permit students to maintain at least 6 feet of distance between each other and the instructor(s);
 - ✓ Ensure monitoring and enforcement of physical distancing requirements at all times; and
 - ✓ Perform enhanced cleaning before and after each session.

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2. For standardized patient simulations or laboratory instruction in close quarters or practicing clinical skills with physical contact:
 - ✓ Provide mandatory instruction on infection control practices and the appropriate use of personal protective equipment (PPE);
 - ✓ Require use of appropriate PPE for all personnel that come within 6 feet of each other; and
 - ✓ Perform enhanced cleaning before and after each session.
 3. For preceptorships, observerships, and direct patient care:
 - ✓ Provide mandatory instruction on infection control practices and the appropriate use of personal protective equipment (PPE);
 - ✓ Strictly adhere to the clinical facility's infection control protocols;
 - ✓ Confirm that the clinical facilities have the appropriate personal protective equipment (PPE) for their students who are involved in direct patient care within those facilities;
 - ✓ Conduct regular symptom monitoring of students;
 - ✓ Follow the facility's occupational health protocols if exposed and/or symptoms develop, including immediate exclusion from all patient care, testing for SARS-CoV-2, and mandatory reporting to university or college student health unit; and
 - ✓ Perform cleaning and disinfecting per the facility's protocols.
- E. **Special Requirements for Research Activities.** Colleges and university must ensure the following measures are implemented for research activities:
1. Research offices, labs, core facilities, and field locations must be modified to ensure appropriate physical distancing, consistent with state and local public health guidelines, and with reduced capacity as necessary; and
 2. Human subjects research must be permitted only if 6-foot physical distancing can be maintained or can be completed with minimal physical contact while using appropriate PPE or physical barriers, or both. Ensure that additional restrictions are used to further to protect vulnerable populations.

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- F. **Masks, Face Coverings, and Face Shields.** To reduce the risk of transmission from potentially infected individuals, colleges and universities must review and implement [OHA Statewide Mask, Face Covering, Face Shield Guidance](#); if at any point such guidance is no longer available, such employers must require all employees, patrons, and other visitors five years of age and older, unless they are eating or drinking, to wear masks, face coverings, or face shields in all indoor spaces, and in all outdoor spaces whenever at least 6 feet of physical distancing cannot be consistently:
- G. **General facilities.** Colleges and universities must do the following:
1. Clean and disinfect facilities frequently, generally at least daily when there is activity, to prevent transmission of the virus from surfaces. CDC provides guidance on disinfecting public spaces. See CDC's "[Reopening Guidance for Cleaning and Disinfecting Public Spaces, Workplaces, Businesses, Schools, and Homes](#);"
 2. Encourage students, staff, and faculty to perform appropriate hand hygiene upon their arrival to campus every day: washing with soap and water for 20 seconds or using an alcohol-based hand sanitizer with 60- 95% alcohol; and
 3. Provide hand hygiene stations with alcohol-based hand sanitizer in high use areas such as entrances to buildings and classrooms and other areas, as feasible. Strongly encourage students to use hand sanitizer on entry and exit to each room.
- H. **Signage.** To reinforce the need to minimize COVID-19 risks, such employers must do the following:
1. Post clear signs listing COVID-19 symptoms, asking students, staff, and faculty with symptoms to stay home, and listing whom to contact if they need assistance;
 2. Use signage and other communications to remind students, faculty, and staff about the utmost importance of hand hygiene and respiratory etiquette;
 3. [Use signs](#) to require physical distancing as necessary, including but not limited to reception areas, eating areas, locker rooms, and near popular equipment; and
 4. Post [clear signs](#) about the mask, face covering, and face shield requirements.
- I. **Special provisions related to isolation or quarantine.** Colleges and universities must take steps to ensure that if a student, staff, or faculty member develops or reports primary COVID-19 symptoms while on campus:

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1. The person should immediately return to their place of residence or isolate in a designated isolation area until they can safely return to their residence or be transported to a health care facility. Students whose place of residence is within a campus residence hall must be isolated in a designated isolation area, with staff support and any in-person symptom monitoring conducted by an individual wearing appropriate personal protective equipment (PPE);
2. The person should seek medical care and COVID-19 testing from their regular health care provider or through the local public health agency. They should follow instructions from their local public health agency regarding isolation;
3. If the person has a positive COVID-19 diagnostic test, they should remain at their place of residence for at least 10 days after illness onset and 72 hours after fever is gone, without use of fever reducing medicine, and other symptoms are improving;
4. If the person has a negative COVID-19 diagnostic test and if they have multiple tests, all tests are negative all tests are negative, they should remain at their place of residence until 72 hours after the fever is gone, without use of fever reducing medicine and other symptoms are improving;
5. If the person does not undergo COVID-19 testing, the person should remain at their place of residence until 72 hours after the fever is gone, without use of fever reducing medicine, and other symptoms are improving; and
6. Any faculty, staff, or student known to have been exposed (for example, by a household member) to COVID- 19 within the preceding 14 days should stay in their place of residence and follow instructions from local public health agency.

J. Faculty and staff. Colleges and universities must:

1. Ensure that campus health care providers have the personal protective equipment that they need to see students safely. As appropriate, provide face masks, face coverings, face shields, filtering facepiece respirators (e.g. N95, P95, or R95), gloves, and protective clothing for healthcare professionals and other personnel who might interact with ill staff or students. Local public health can help if colleges and universities are unable to obtain PPE through usual channels; and
2. If feasible, arrange for fit testing for N95 respirators and PPE for healthcare and other personnel who might interact with ill faculty, staff, or students.

Additional Resources:

[Oregon Health Authority Signs You Can Post](#)

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[Oregon Health Authority Statewide Mask, Face Covering, and Face Shield Guidance](#)
[Oregon Higher Education Coordinating Commission and Oregon Health Authority](#)
[COVID-19 Guidance](#)

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Appendix A-16 Mandatory Workplace Guidance for Veterinary Care

Application: This appendix applies to veterinarians licensed under ORS 686, and to their assistants and other employees. To the degree this appendix provides specific guidance, it supersedes the requirements for physical distancing and for the use of masks, face coverings, or face shields, and sanitation of the COVID-19 Temporary Rule (OAR 437-001-0744); to the degree a situation is not addressed by the specific language of this appendix, the requirements of the rule apply.

Note: In accordance with [Oregon Health Authority Statewide Mask, Face Covering, Face Shield Guidance](#) and subsection (3)(b) of the Temporary Rule for COVID-19, it is strongly recommended but not required that individuals wear a mask or face covering as source control instead of a face shield alone.

Note: These workplace health and safety requirements are distinct from Oregon Health Authority guidance about reopening status and the resumption of non-emergency care, which may be restricted separate and apart from this appendix or the rule to which it applies.

A. Physical Distancing Measures. To ensure appropriate physical distancing, veterinary facilities are required to take the following steps:

1. Adopt a curbside model, bringing the animal patient into the facility while the owner remains in the vehicle, strictly enforce 6-foot physical distancing in the waiting area, or employ a combination of the two;
2. Allowing owners and animal caretakers into veterinary facilities:
 - a. Owners and caretakers may come into the facility exam room for the purpose of euthanasia;
 - b. Owners and caretakers may come into the facility exam room for the purpose of receiving instruction as to providing home care for pets including but not limited to giving medication, fluids, managing feeding tubes or catheters, etc.;
 - c. In the case of examining or treating animals that may pose a threat to the veterinary worker, the animal owner or caretaker may be allowed into the veterinary facility as long as source control is observed;
3. Further minimize human-to-human contact by not allowing clients in the examination rooms other than under the circumstances listed above; and
4. Limit situations where any veterinarian workers or other individuals are in within 6 feet to those necessary to safely handle and treat the animal patient.

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- B. Masks, Face Coverings, and Face Shields and Personal Protective Equipment.**
To minimize the risk of airborne spread of the disease, veterinary facilities must review and implement [OHA Statewide Mask, Face Covering, Face Shield Guidance](#); if at any point such guidance is no longer available, such employers must require all employees, patrons, and other visitors five years of age and older, unless they are eating or drinking, to wear masks, face coverings, or face shields in all indoor spaces, and in all outdoor spaces whenever at least 6 feet of physical distancing cannot be consistently ensured.

Additional Resources:[Oregon Health Authority Signs You Can Post](#)[Oregon Health Authority Statewide Mask, Face Covering, and Face Shield Guidance](#)[Oregon Health Authority Veterinary Facility Guidance](#)[Centers for Disease Control and Prevention Companion Animal Veterinary Guidance](#)

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Reproduced from

[“Interim Infection Prevention and Control Guidance for Veterinary Clinics Treating Companion Animals During the COVID-19 Response,”](#) published by the United States Centers for Disease Control and Prevention (last updated August 12, 2020)

Animal History	Mask	Eye Protection (face shield or goggles)	Gloves	Gown or Coveralls	N95 respirator or suitable alternative
Healthy companion animal without exposure to a person with COVID-19 compatible symptoms	No	No	No	No	No
Companion animal with an illness that is not suspicious of SARS-CoV-2 infection AND without exposure to a person with COVID-19 compatible symptoms	No	No	No	No	No
Companion animal that is not suspicious for SARS-CoV-2 infection BUT has exposure to a person with COVID-19 compatible symptoms	Yes	No	Yes	No	No
Companion animal with an illness that is suspicious for SARS-CoV-2 infection	Yes	Yes	Yes	Yes	No
Aerosol-generating procedure for any animal without an exposure to a person with COVID-19 compatible symptoms	Yes	Yes	Yes	Yes	No
Aerosol-generating procedure for any animal with an exposure to a person with COVID-19 compatible symptoms	No	Yes	Yes	Yes	Yes
Any procedure on an animal that is known to be currently infected with SARS-CoV-2 through detection by a validated RT-PCR assay	No	Yes	Yes	Yes	Yes
Any procedure where a person with known or suspected of being infected with COVID-19 will be present	No	Yes	Yes	Yes	Yes

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Appendix A-17 Mandatory Workplace Guidance for Emergency Medical Services: First Responders, Firefighters, And Non-Emergency Medical Transport

Application: This appendix applies to first responders, firefighters, emergency medical services, and non-emergency medical transport employers. It also provides direction specific to Emergency Communication Centers. To the degree this appendix provides specific guidance, it supersedes the requirements for physical distancing and for the use of masks, face coverings, or face shields of the COVID-19 Temporary Rule (OAR 437-001-0744); to the degree a situation is not addressed by the specific language of this appendix, the requirements of the rule apply.

Note: In accordance with [Oregon Health Authority Statewide Mask, Face Covering, Face Shield Guidance](#) and subsection (3)(b) of the Temporary Rule for COVID-19, it is strongly recommended but not required that individuals wear a mask or face covering as source control instead of a face shield alone.

Note: Although this appendix is based upon the workplace health portions of [Quarantine Guidance for Fire and EMS Responders](#) and [Information Bulletin 2020-02 on Personal Protective Equipment Advisory](#), published by the Office of the Oregon State Fire Marshal, it does not address many other issues included in that document. Employers of first responders, firefighters, EMS, and non-emergency medical transport must therefore be familiar with that guidance as well.

Definitions.

Emergency Communication Centers means 911 Public Safety Answering Points/Emergency Communication Centers (PSAP/ECCs)

Emergency Medical Services Provider (EMS Provider) means a person who has received formal training in prehospital and emergency care, and is licensed to attend to any person who is ill or injured or who has a disability. Police officers, fire fighters, funeral home employees and other persons serving in a dual capacity, one of which meets the definition of "emergency medical services provider" are "emergency medical services providers" within the meaning of ORS chapter 682.

Fire Department means public and private employers who engage in structural fire service activities, including emergency first response, who are covered under OAR 437-002-0182.

A. **General Operations Screening, Isolation and Quarantine.** In order to reduce the risks of outbreaks within the workplace and the broader community, EMS employers must take the following steps:

1. Instruct employees to self-monitor for symptoms consistent with COVID-19.

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2. Screen employees for fever and symptoms prior to each shift, excluding them from the workplace if they have a subjective fever or a measured temperature above 100.0°F or have COVID-19-compatible symptoms as described by Oregon Health Authority.
3. Direct employees who experience such symptoms to withdraw from patient or other public contact and don a face mask.
4. Exclude any employees from the workplace if they test positive via a COVID-19 diagnostic test.

Note: [Quarantine Guidance for Fire and EMS Responders](#) provides detailed information on monitoring, quarantine, isolation, and subsequent return to work.

B. General Operations – Emergency Communication Centers. Emergency Communication Centers (ECC) must comply with the provisions of the rule, with the following specific provisions and exceptions:

1. To the degree work stations cannot be separated by at least 6 feet, supplemental measures such as shields or barriers must be considered and installed, if feasible, no later than December 21, 2020;
2. Whether shields or barriers have been installed, ECC communications personnel are not required to wear face coverings while handling emergency calls, but must be allowed to do so at their discretion;
3. PSAPs should implement an EIDS or screen for fever, cough, difficulty breathing, and diarrhea for ALL calls, when feasible, if local triggers determined by the PSAP director have been met. Additionally, PSAPs should ask:
 - ✓ Is anyone in the call location a known or suspected COVID-positive individual undergoing either quarantine or isolation?
 - ✓ Is the call location a long-term care facility known to have COVID-19 cases?
4. The query process should never supersede the provision of pre-arrival instructions to the caller when immediate lifesaving interventions (e.g., CPR) are indicated
5. If the patient meets the above criteria, then PSAPs should:
 - a. Provide medical care per protocol.
 - b. Alert responding agencies of the possibility of a respiratory pathogen as soon as possible.

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- c. Follow LPHA policies for reporting and follow up of healthcare workers with contact to suspected cases.
 - d. For ill travelers at US international airports or other ports of entry to the United States (maritime ports or border crossings) should be in contact with the CDC quarantine station of jurisdiction for the port of entry CDC Quarantine Station Contact List for planning guidance.
6. If the patient does not meet criteria, discontinue questioning and follow appropriate case entry.
7. If call volumes increase to the point that screening is interfering with the timely processing of calls, consider suspending EIDS screening.
- C. General Operations – Fire Departments and Ambulance Agencies.** Fire Departments and Ambulance Agencies must comply with the provisions of the rule, with the following specific provisions and exceptions:
- 1. Spacing requirements do not need to be followed on any Agency apparatus when responding to or returning from a call, although respiratory protection must be worn as necessary.
 - 2. To the degree 6-foot distancing cannot be reliably maintained in common living areas in a fire station or ambulance agency facility, the personnel residing there are not required to wear masks, face coverings or face shields (this exception applies only to shared living areas; it does not apply to break rooms, shared toilet facilities, or other common areas used by other employees or individuals other than those residing in the living areas).
 - 3. The driver of an emergency response vehicle may adjust or remove a mask or face covering that impedes their vision or distracts from the safe operation of the vehicle.
- D. Personal Protective Equipment, Masks, Face Coverings, Face Shields.** EMS providers must apply the following procedures when engaged in emergency medical services or other patient care on all calls.
- 1. All patients are initially assessed from a distance of 6 feet to reduce potential for exposure of workers to COVID-19 or other infectious illness. There will be situations in which this option will be automatically excluded by the acuity of the call;

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2. Patients and family members must be asked to wear their own mask, face covering, or face shield (if tolerated) prior to the arrival of EMS personnel and throughout the duration of the encounter, including during transport. If they do not have a mask or face covering, they should be offered a mask or face covering, as supplies allow. Bystanders and family will be asked to maintain the minimum of 6-foot physical separation from EMS workers;
3. Masks or face coverings should not be placed on: children under the age of 2 years old, anyone who has trouble breathing, or anyone who is unconscious, incapacitated or otherwise unable to remove the mask or face covering without assistance;
4. When circumstances permit, only one provider will directly assess the patient;
5. If circumstances allow, interview the patient outside the residence in open air;
6. The minimal expected amount of equipment will be brought to the patient's side, however, SP02 is required;
7. The interview should be done from the maximal distance that still allows for clear communication;
8. Avoid standing directly in front of the patient;
9. If a nasal cannula is used, a mask should (ideally) be worn over the cannula. Alternatively, an oxygen mask can be used if clinically indicated. If the patient requires intubation, see below for additional precautions for aerosol-generating procedures;
10. Masks or respirators must be worn by EMS providers while they are engaged in emergency medical services or other patient care. Face coverings must not be used as a substitute for a mask or respirator when respiratory protection (droplet precautions for a mask, airborne precautions for a respirator) is required;
11. During direct patient care in the EMS setting, use of respirators without exhalation valves is preferred but not required. Respirators with exhalation valves must not be used except in combination with appropriate source control, as they allow unfiltered exhaled breath to escape; and
12. When dealing with an individual known or suspected of being infected with COVID-19, EMS providers must wear a NIOSH-approved N95 or equivalent or a higher-level respirator, a gown, gloves, and eye protection (face shield or goggles).

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E. Special Provisions for the Transport of Patients (Emergency and Non-Emergency) with Suspected or Confirmed COVID-19. For any patient meeting any of following criteria:

- Symptoms of lower respiratory infection, such as fever, cough, or shortness of breath,
- Recent contact with someone with known COVID-19; or
- Call location is a long-term care facility known to have COVID-19 cases.

EMS providers must apply the following procedures when engaging in transporting, whether emergency or non-emergency:

1. Involve the fewest EMS personnel required to minimize possible exposures; others riding in the ambulance must be limited to those essential for the patient's physical or emotional well-being or care (for example, care partner or parent.).
2. Ensure that the patient is masked. The patient mask must not have an exhalation valve, as it would allow unfiltered, exhaled breath to escape.
3. Provide medical care per protocol.
4. Ensure that personnel use contact, droplet, and airborne precautions, as follows:
 - a. Wear a single pair of disposable patient examination gloves
 - b. Wear disposable isolation gown. If there are shortages of gowns, they should be prioritized for aerosol-generating procedures, and care activities where splashes and sprays are anticipated.
 - c. Use respiratory protection (an N-95 or higher-level respirator). If respirator supplies have been depleted, facemasks are an acceptable alternative. Respirators should be prioritized for procedures that are likely to generate respiratory aerosols.
 - d. Wear eye protection (goggles or a disposable face shield that fully covers the front and sides of the face).
5. Use caution with aerosol-generating procedures and ventilate ambulance if possible.
6. Notify the receiving hospital (according to local protocols) of potential infection as soon as possible.
7. Disinfect using EPA registered Disinfectants for Use Against SARS-CoV-2.

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8. Drivers, if they provide direct patient care (for example, moving patients onto stretchers), must wear the PPE listed above.
 - a. After completing patient care and before entering an isolated driver's compartment, the driver must
remove and dispose of PPE and perform hand hygiene to avoid soiling the compartment.
 - b. If the transport vehicle does not have an isolated driver's compartment, the driver must remove the face shield or goggles, gown, and gloves and perform hand hygiene, but continue to wear a respirator, mask, or face covering during transport.

Patients who do not meet the criteria listed above can be cared for using standard precautions, with use of transmission-based precautions determined by clinical presentation.

Additional Resources:

[Oregon Health Authority Signs You Can Post](#)

[Oregon Health Authority Statewide Mask, Face Covering, and Face Shield Guidance](#)

[United States Centers for Disease Control and Prevention Flyer on Quarantine and Isolation](#)

[COVID-19 Strategies for Emergency Medical Services Surge](#)

[Fire Marshal Information Bulletin 2020-02 Personal Protective Equipment Advisory](#)

[Oregon Health Authority Oregon EMS Directors and Medical Directors, EMS Healthcare Exposure, Work Exclusion Guidance](#)

[Oregon Fire Marshall Quarantine Guidance for Fire and EMS Responders](#)

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Appendix A-18 Mandatory Workplace Guidance for Law Enforcement Activities

Application: This appendix applies to the activities of law enforcement officers in the performance of their duties. To the degree this appendix provides specific guidance, it supersedes the requirements for physical distancing and the use of masks, face coverings, or face shields of the COVID-19 Temporary Rule (OAR 437-001-0744); to the degree a situation is not addressed by the specific language of this appendix, the requirements of the rule apply.

Note: In accordance with [Oregon Health Authority Statewide Mask, Face Covering, Face Shield Guidance](#) and subsection (3)(b) of the Temporary Rule for COVID-19, it is strongly recommended but not required that individuals wear a mask or face covering as source control instead of a face shield alone.

Definitions: For purposes of this appendix, the following definitions apply:

Law enforcement agency means the Oregon State Police, a county sheriff's office, a municipal police department, a police department established by a university under ORS 352.121 or 353.125, or an agency that employs one or more parole and probation officers as defined in ORS 181A.355.

Law enforcement officer means a member of the Oregon State Police, a sheriff or deputy sheriff, a municipal police officer, an authorized police officer of a police department established by a university under ORS 352.121 or 353.125, or a parole or probation officer as defined in ORS 181A.355.

- A. **Physical Distancing Measures.** To ensure appropriate physical distancing, law enforcement agencies must implement appropriate physical distancing as required by the rule in locations under their control and must do so to the extent their duties allow in other locations. However, based on the nature of the law enforcement officer's duties, the physical distancing requirements of the rule do not apply to emergency situations or other situations where the safety of law enforcement officers or others involved make contact within 6 feet necessary.
- B. **Masks, Face Coverings, and Face Shields.** To reduce the risk of transmission from potentially infected individuals, law enforcement agencies must require masks, face coverings, or face shields in spaces under their control and when employees interact with other individuals. However, the following specific modifications apply to certain law enforcement activities:

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1. Law enforcement agencies must ensure that all employees, visitors, and persons in custody wear a mask, face covering, or face shield as required in this rule unless enforcing this requirement would require the use of physical force or place an employee or member of the public at greater risk of COVID-19 exposure;
2. Law enforcement agencies must provide masks and face shield to law enforcement officers to wear in combination in situations when a person in custody refuses to wear a face covering;
3. Law enforcement officers are permitted adjust or remove the face mask, face covering, or face shield while interviewing a member of the public when necessary to establish sufficient rapport with the interviewee;
4. Law enforcement officers driving during an emergency response or pursuit may adjust or remove a mask, face covering, or face shield that impedes their vision or distracts from the safe operation of the vehicle;
5. Law enforcement officers are permitted to remove their mask, face covering, or face shield when the officer's ability to clearly communicate is impaired by the mask, face covering, or face shield; and
6. Law enforcement employees transporting a person in custody or a member of the public must ensure that that person wears a mask, face covering, or face shield unless compliance would require the use of force or place law enforcement employees or a member of the public at greater risk for COVID-19 exposure or physical jeopardy.

Temporary Rule Addressing COVID-19 Workplace Risks

Division 1

AO 4-2020

Oregon Administrative Rules

Oregon Occupational Safety and Health Division

Appendix A-19 Mandatory Workplace Guidance for Jails, Prisons, And Other Custodial Institutions

Application: This appendix applies to jails, prisons, and other custodial institutions. To the degree this appendix provides specific guidance, it supersedes the requirements for use of masks, face coverings, or face shields, of the COVID-19 Temporary Rule (OAR 437-001-0744); to the degree a situation is not addressed by the specific language of this appendix, the requirements of the rule apply.

Note: In accordance with [Oregon Health Authority Statewide Mask, Face Covering, Face Shield Guidance](#) and subsection (3)(b) of the Temporary Rule for COVID-19, it is strongly recommended but not required that individuals wear a mask or face covering as source control instead of a face shield alone.

- A. Masks, Face Coverings, and Face Shields.** To reduce the risk of transmission from potentially infected individuals, jails, prisons, and other custodial institutions must require masks, face coverings or face shields within the premises. However, the following specific modifications apply within the secure perimeter of the jail, prison, or other custodial institution:
1. Jails, prisons, and other custodial institutions must require all person entering the secure perimeter of the jail to wear a mask, face shield, or face covering when within 6 feet of other individuals, if there are no physical barriers between them, with the following exceptions:
 - ✓ During scheduled mealtimes when eating or drinking;
 - ✓ If a physical or mental condition or disability limits the ability to wear a mask, face covering, or face shield;
 - ✓ When an order from the Oregon Judicial Department, presiding judge, or local health authority provides an exception to the wearing of masks, face coverings or face shields;
 - ✓ In a housing unit where all adults in custody have been in quarantine for a minimum period of time established by the local health authority after considering CDC and OHA guidelines, provided that all staff members wear a mask or face covering at all times while in the unit;
 - ✓ In youth correctional facility common areas when all youth in custody have been in quarantine for a minimum period of time established by the Oregon Health Authority, provided that all non-youth-in-custody individuals wear a face covering and the Oregon Health Authority has authorized such practice; or

Temporary Rule Addressing COVID-19 Workplace Risks

Oregon Occupational Safety and Health Division

Oregon Administrative Rules

AO 4-2020

Division 1


- ✓ During an emergency, such as when responding to a spontaneous use of force event, a medical emergency, or a suicide attempt in a housing unit.
 - 2. The jail, prison, or other custodial institution must not charge individuals in custody for masks, face coverings or face shields, except in the case of knowing damage or destruction to the mask, face covering, or face shield in violation of institution rules.
 - 3. The jail, prison, or other custodial institution must not charge employees for masks, face coverings or face shields.
 - 4. Custodial institution employees transporting a person in custody or a member of the public must ensure that that person wears a mask, face covering, or face shield unless compliance would require the use of force or place law enforcement employees or a member of the public at greater risk for COVID-19 exposure or physical jeopardy.
- B. **Meal Times.** During any period of time when masks, face coverings or face shields are required under this standard, provide adults in custody meals in their cell if possible. If in-cell meals are not possible, use appropriate physical distancing for mealtimes within the constraints of the facility.
- C. **Physical Distancing Measures.** To ensure appropriate physical distancing, correctional facilities must implement appropriate physical distancing as required by the rule in locations under their control and must do so to the extent their duties allow in other locations. However, based on the nature of correctional duties, the physical distancing requirements of the rule do not apply to emergency situations or other situations where the safety of involved individuals make closer contact necessary

EXHIBIT F

State Initiative and Referendum Manual

Published by

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Using This Manual

This manual explains the requirements and procedures for filing a statewide initiative or referendum petition for placement on the 2020 General Election ballot.



Failure to follow the instructions completely may invalidate the petition.

The requirements and procedures explained in this manual may be used to begin the petition process for subsequent general elections but are subject to change. To ensure uniformity within a petition cycle and to avoid voter confusion, only one petition cycle will be approved for circulation during a two year period. Approval to circulate for the 2022 cycle will not be given until after July 2, 2020, the deadline to submit signatures for the 2020 General Election.

Icons

The following icons are used in this manual to emphasize information:

**alert icon**

indicates alert; warning; attention needed

**deadline icon**

indicates a deadline

**example icon**

indicates a detailed example of a concept, process or form

**form icon**

indicates a reference to a form

**info icon**

indicates additional information

**petition committee icon**

indicates a petition committee

**petition sheet icon**

indicates a reference to a signature sheet

**search icon**

indicates information located elsewhere

Assistance

If you have questions about the material covered in this manual or need further assistance, please contact:

Elections Division
255 Capitol St NE, Suite 501
Salem, OR 97310

 **503 986 1518**
 **503 373 7414**



elections.sos@oregon.gov



www.oregonvotes.gov



1 866 673 8683
se habla español

tty 1 800 735 2900
for the hearing impaired

Getting Started

In 1902, voters overwhelmingly approved a ballot measure that created Oregon's initiative and referendum process. The initiative and referendum process is a method of direct democracy that allows people to propose laws or amendments to the Oregon Constitution or to adopt or reject a bill passed by the legislature.

If chief petitioners gather and submit the required number of signatures, the initiative or referendum is placed on the ballot for voters to adopt or reject at the next regularly scheduled general election, which is held in November of every even numbered year.




Forms are available online at www.oregonvotes.gov.

Designating Chief Petitioners

An initiative or referendum may have up to three chief petitioners who are the individuals responsible for the preparation and organization of the petition. In Oregon, any person, acting individually or on behalf of an organization, may be a chief petitioner. **Chief petitioners are responsible for:**


- signing and filing a statement providing required information for all chief petitioners;
- designating whether petition circulators will be paid or unpaid;
- establishing a petition committee prior to approval to circulate;
- educating and monitoring circulators;
- collecting signatures; and
- submitting signatures.

 Additional or different chief petitioners may be added or removed until cover and signature sheets are approved for circulation as long as one original chief petitioner remains throughout the entire process. If all original chief petitioners resign, the petition is void and must be re-filed.


Accounts


Chief petitioners who pay any person money or other valuable consideration to obtain signatures on an initiative or referendum must electronically submit detailed copies of accounts not later than the last business day of each month after any month in which circulators were paid to collect signatures. Accounts include:

- contracts between chief petitioners and any person paid for obtaining signatures;
- employment manuals or training materials;
- payroll records for each person paid for obtaining signatures on the petition;
- records of each payment made to any subcontractor obtaining signatures on the petition; and
- copies of signature sheets circulated by paid signature gatherers not submitted for verification.

 If chief petitioners are unable to produce required accounts, or refuse to provide them, by the last business day of the following month chief petitioners are prohibited from obtaining additional signatures on the petition until accounts are produced.

A completed form SEL 320 is required with each account submission. Form SEL 320 details the nature of the accounts being submitted. Accounts may be submitted by chief petitioners or authorized agents.

 See OAR 165-014-0100 for account requirements; or

 Contact the Elections Division at 503 986 1518 for further details.


Campaign Finance Reporting

Oregon campaign finance law **requires chief petitioners to establish a campaign account and file a Statement of Organization** designating a treasurer not later than **three business days** of first receiving a contribution or making an expenditure after filing a prospective petition with the Elections Division. Campaign finance law also requires the electronic filing of campaign finance transactions.


Petition Committee

To form a petition committee **chief petitioners file** electronically through ORESTAR or by completing and submitting the paper forms:

-  SEL 222
Statement of Organization Petition Committee **and, if eligible**
-  PC 7
Certificate of Limited Contributions and Expenditures.


 Cover and signature sheets will not be approved for circulation until a committee has been established. A separate petition committee must be established and transactions filed for each initiative or referendum.

Campaign Transactions

 The Secretary of State developed ORESTAR a secure web-based electronic reporting system, which committees must use to file campaign finance transactions unless the committee is eligible to file a Certificate of Limited Contributions and Expenditures.


 For further details on campaign finance reporting requirements see the [Campaign Finance Manual](#) and the [ORESTAR User's Manuals](#) available at www.oregonvotes.gov.

Submitting Forms and Documents






 Chief petitioners or authorized agents must mail (includes delivery service), or personally deliver signature sheets to the Elections Division.




With the exception of petition signature sheets, completed and signed forms or documents may be:


- scanned and emailed to Elections Division at irrlistnotifier.sos@oregon.gov;
- faxed to 503 373 7414; or
- mailed or personally delivered to 255 Capitol St NE, Ste 501, Salem, OR 97310.

 The Elections Division will distribute all notifications and other correspondence by email unless otherwise notified by chief petitioners.

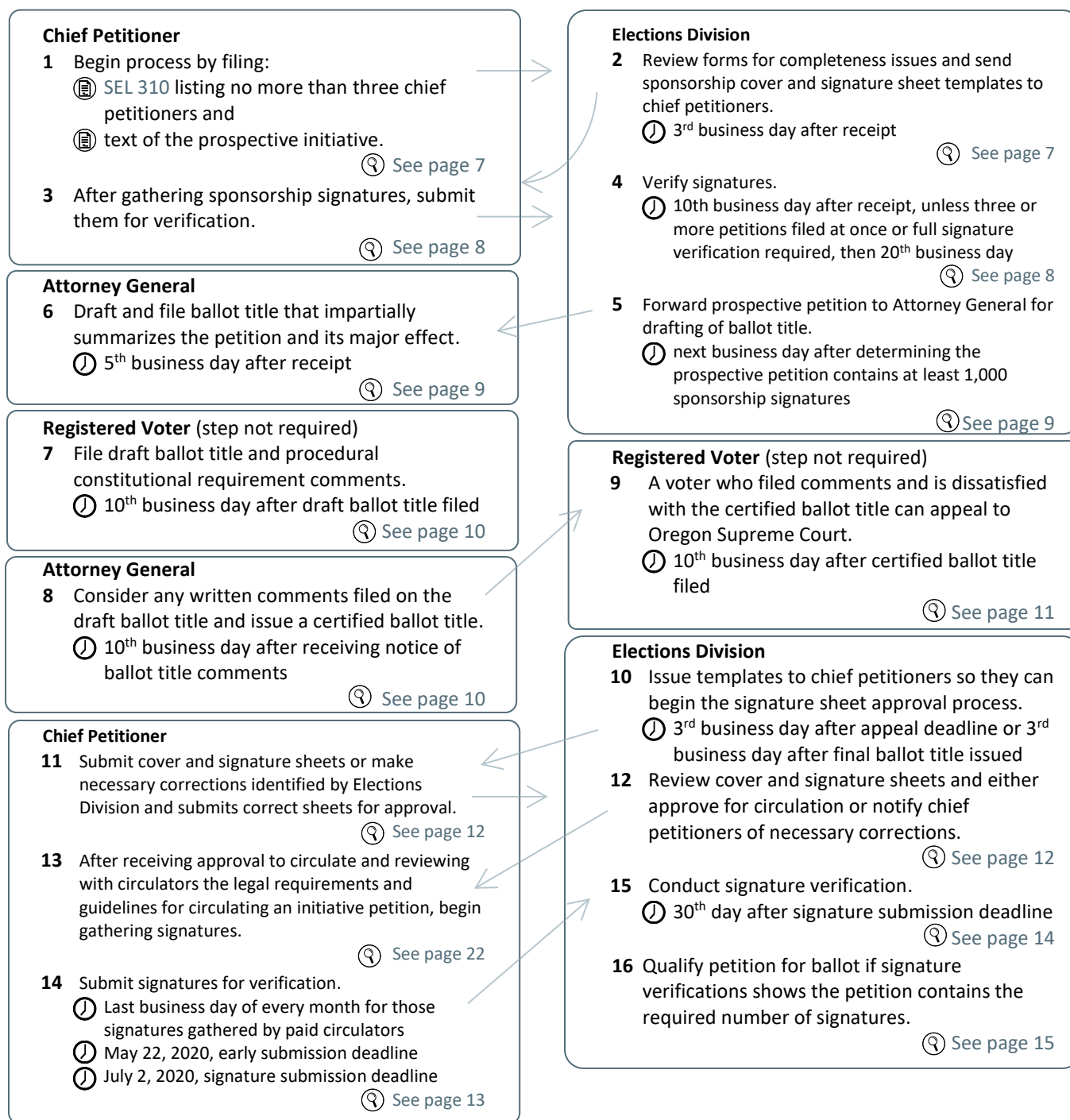
Filing Requirements

Initiative Petitions	2020	2022
Required Signatures Constitutional (8%)	149,360	149,360
Required Signatures Statutory (6%)	112,020	112,020
 First Day to File Prospective Petition	Anytime	Anytime
 First Day of Petition Cycle Circulation	July 9, 2018	July 11, 2020
 Early Signature Submission Deadline	May 22, 2020	May 27, 2022
 Signature Submission Deadline	July 2, 2020	July 8, 2022
 Signature Verification Deadline	August 1, 2020	August 7, 2022

Referendum Petitions	2020	2022
Required Signatures (4%)	74,680	74,680
 First Day to File Prospective Petition	After bill becomes act	After bill becomes act
 Signature Submission Deadline	90 days after legislature adjourns sine die	90 days after legislature adjourns sine die
 Signature Verification Deadline	30th day after signature submission deadline	30th day after signature submission deadline

 The required number of signatures is a percentage of votes cast for governor at the 2018 General Election. The calculation includes votes cast for each candidate whose name was printed on the ballot. Write-in votes are included in the calculation however over and under votes are not.

Initiative Process Timeline



i To calculate deadlines, day one is the day after a complete and correct document is filed or the day after a document is due. If a statutory deadline falls on a Saturday, Sunday or holiday, the deadline becomes the following business day as provided for in ORS 246.021. However, constitutional deadlines that fall on a Saturday, Sunday or holiday become the previous business day.

Initiative Process







An initiative petition is a method of direct democracy that allows any person to propose new laws, change existing laws, or amend the Oregon Constitution.

Filing a Prospective Petition

Oregon Constitution, Article IV, §1 and ORS 250.045

Before gathering the 1,000 sponsorship signatures necessary to begin the ballot title drafting process, chief petitioners must file a prospective petition with the Elections Division.

Chief Petitioners

- 1 Chief petitioners may write the text of the proposed law or constitutional amendment themselves, but they are encouraged to seek legal assistance.
 -  Under ORS 173.140, Legislative Counsel will assist chief petitioners in drafting text of an initiative petition when:
 - 50 or more electors request their assistance in writing and
 - The Legislative Counsel Committee determines there is a reasonable probability that the initiative will be submitted to voters.
 -  Contact Legislative Counsel for more information at 503 986 1243.
- 2 Chief petitioners must designate no more than three people as chief petitioners and determine circulator pay status.
 -  Form [SEL 310 Prospective Petition – State Initiative or Referendum](#) must be completed and signed by all chief petitioners and designate circulator pay status. Incomplete forms will be rejected.
 -  If any information provided on form [SEL 310](#) changes, including circulator pay status, all chief petitioners must complete and sign an amended form [SEL 310](#). The form must be filed within 10 calendar days of the change.
- 3 Chief petitioners must file text of initiative petition and form [SEL 310](#) with Elections Division.
- 4 Chief petitioners must establish a campaign account and file a Statement of Organization designating a treasurer with the Elections Division.
 -  See [Campaign Finance Reporting](#) on page 4.
- 5 Chief petitioners may also authorize individuals to act on their behalf in most matters regarding the petition process by completing and filing:
 -  Form [SEL 307 Agent Authorization](#).

Sponsorship Templates


After receiving the prospective initiative petition, the **Elections Division**:

- ✓ date and time stamps the prospective petition;
- ✓ reviews the forms for completeness and correctness;
- ✓ if complete and correct, assigns the petition an identification number; and
- ✓ provides official cover and signature sheet templates.

Gathering Sponsorship Signatures

ORS 250.045

Chief Petitioners

- 1 Chief petitioners use the official templates provided by the Elections Division to prepare cover and signature sheets for circulation.
 See Cover and Signature Sheets on [page 23](#).
- 2 Chief petitioners review with circulators the legal requirements and guidelines for circulating initiative petitions.
- 3 Chief petitioners monitor circulator activities to ensure compliance.
- 4 Chief petitioners may obtain more than the required number of signatures to ensure the petition contains a sufficient number of valid signatures.
- 5 If the full and correct text of the prospective initiative petition is not incorporated onto the official template, then chief petitioners must ensure that a full and correct copy of the text of the prospective initiative petition is attached to signature sheets while gathering signatures. Text can be attached by staple, paperclip, tape, clipboard, or other method.



See Petition Guidelines and Requirements on [page 22](#).

Submitting Sponsorship Signatures

ORS 250.045 and OAR 165-014-0030

Sponsorship signatures must be mailed (includes delivery service) or personally delivered to the Elections Division by chief petitioners or authorized agents. Only one chief petitioner or authorized agent must be physically present if signatures are personally delivered.



Signature sheets individually mailed or delivered directly to the Elections Division by someone other than a chief petitioner or an authorized agent will not be accepted.

Chief Petitioners or Authorized Agents

- 1 Chief petitioners or authorized agents ensure each signature sheet certification is signed and dated by the circulator.
- 2 Chief petitioners or authorized agents number each signature sheet sequentially in the space provided.
- 3 Chief petitioners or authorized agents submit signature sheets containing at least 100% of required number of signatures to the Elections Division for verification personally, by authorized agent, or through the US Postal Service, a parcel service, or any other delivery method.
- 4 Chief petitioners or authorized agents provide the number of signatures submitted for verification by completing and filing:



Form SEL 339 Petition Submission – Initiative, Referendum, Recall, Political Party Formation.



Verifying Sponsorship Signatures

OAR 165-014-0030

The **Elections Division will begin verifying signatures** if the petition signature sheets accepted for verification contain a number of unverified signatures equal to or greater than the required number of signatures.

The **Elections Division processes signature sheets** submitted for verification in accordance with the Statistical Sampling Procedures for State Petitions adopted under administrative rule by:

- ✓ comparing the submitted cover and signature sheets to the official templates;



Petition sheets that do not comply with the legal requirements will be rejected.

- ✓ verifying sheets are numbered sequentially;



If prior to data entry the Elections Division determines that the petition has more than 100 signature sheets which are not numbered or are not sequentially numbered, chief petitioners will be promptly notified and allowed to correct the sequential numbering. The renumbering of petition sheets will only occur at the Elections Division and in full view of Elections Division team members, and observers, if requested. Should chief petitioners not correct the sequential numbering, the Elections Division will hire temporary staff to renumber the sheets on behalf of chief petitioners and will subsequently invoice chief petitioners for the entire cost of the temporary staff.

- ✓ determining if the circulator's certification is sufficient; and
- ✓ verifying original signatures using voter registration records.

If petition contains at least 1,000 sponsorship signatures the Elections Division:

- ✓ forwards the text to the Attorney General for drafting of the ballot title and
- ✓ seeks public input on whether the text of the proposed law or constitutional amendment complies with the procedural constitutional requirements for proposed initiative petitions.

If the petition does not contain at least 1,000 sponsorship signatures, chief petitioners may make one additional submission of signatures to reach the initial threshold of 1,000 signatures. If chief petitioners do not submit at least 1,000 valid sponsorship signatures, the petition is void, and the chief petitioners may file a new initiative.

Draft Ballot Title

ORS 250.035, 250.065 and 250.067

A ballot title is a concise and impartial statement summarizing the initiative and its major effect. It is printed on the reverse of all signature sheets used for circulation and on the ballot.

Requirements

After receiving the text of the initiative, the **Attorney General prepares a draft ballot title** and files it with the Elections Division. A ballot title includes:

- a caption that does not exceed 15 words describing the subject of the petition;
- a statement that does not exceed 25 words describing the result if the petition is passed;
- a statement that does not exceed 25 words describing the result if the petition is rejected; and
- a summary that does not exceed 125 words describing the major effect of the petition.



The Legislative Assembly may choose to enact legislation by either adopting a ballot title or providing an alternative process for preparing a ballot title.



Forms are available online at www.oregonvotes.gov.

The **Elections Division distributes notice** to chief petitioners, the Legislative Assembly, and the interested party subscription service that the draft ballot title has been received and provides the deadline for submitting written comments.

Comments

Any registered voter may submit written comments on the legal sufficiency of the draft ballot title. After the deadline to submit comments, the Elections Division will forward any comments received to the Attorney General for consideration when certifying the ballot title.



Comments must be received in their entirety prior to 5 pm on the filing deadline to be considered timely.

Procedural Constitutional Review

Oregon Constitution, Article IV, §1, Article XVII and OAR 165-014-0028

The Oregon Constitution established the following requirements for initiative petitions:

- must contain a single subject or closely related subject;
- must include the full text; and
- must be legislative rather than administrative in nature.

For Initiative Petitions Relating to Constitutional Amendments Only:

- multiple subjects that are not closely related must be voted on separately and
- the initiative must amend, rather than revise, the constitution.

Comments

Any person may comment on whether the prospective initiative petition complies with all procedural requirements in the Oregon Constitution. After the deadline to submit comments has passed and before the certified ballot title deadline, the **Secretary of State:**

- ✓ reviews the text of the prospective initiative petition;
- ✓ considers any procedural constitutional requirement comments;
- ✓ may receive advice from the Attorney General; and
- ✓ determines whether the prospective initiative petition complies with the requirements set forth in the Oregon Constitution.



The Secretary of State does not review the prospective petition for substantive constitutional or legal sufficiency.

Response and Reply Opportunities

If comments are submitted arguing that a prospective initiative petition does not comply with all procedural requirements in the Oregon Constitution, the chief petitioners of the initiative or their registered agent may submit a response within three business days of the comment deadline. If a response is submitted, any commenter who had argued that the prospective initiative petition did not satisfy procedural requirements may submit a reply within two business days of the response. The Secretary will consider any such response or reply comments in making a decision.



Appeal

Any person may file an appeal, with Marion County Circuit Court, of the Secretary's determination as to whether the prospective initiative petition complies with the procedural requirements of the Oregon Constitution.



Any appeal must be filed no later than the 60th day following the Secretary's determination.

Certified Ballot Title

ORS 250.067

After considering comments submitted on the draft ballot title, the **Attorney General issues a certified ballot title** and files it with the Elections Division.

The **Elections Division distributes notice** to chief petitioners, the Legislative Assembly, and the interested party subscription service that the certified ballot title has been received and provides the deadline to challenge the ballot title in the Oregon Supreme Court.



If the certified ballot title contains a clerical error, the Attorney General may correct the error no later than the 10th business day after the ballot title is certified. The deadline to file a petition to review the corrected ballot title is no later than the 7th business day after the ballot title is corrected.

Ballot Title Appeal

ORS 250.085

A registered voter who submitted timely written comments on the draft ballot title, and is dissatisfied with the certified ballot title issued by the Attorney General, may petition the Oregon Supreme Court to review the ballot title. The petition must name the Attorney General as the respondent.



For correct procedures on filing an Oregon Supreme Court challenge, refer to the Oregon Rules of Appellate Procedure, Rule 11.30.



Contact the Oregon Supreme Court for more information at 503 986 5555.

A registered voter who files a petition to review the certified ballot title is required to provide notice to the Elections Division by completing and filing:



Form SEL 324 Notice of Ballot Title Challenge – State Initiative, Referendum, Referral.



If this notice to the Elections Division is not timely filed, the petition to the Supreme Court may be dismissed.

Supreme Court Review

After a petition to review the ballot title is filed, the **Supreme Court conducts the review** and determines whether the certified ballot title complies with the statutory requirements or does not comply with the statutory requirements. If the court determines that the certified ballot title does not comply with the statutory requirements, the **Supreme Court may**:

✓ modify the ballot title

or

✓ refer it to the Attorney General for modification



Any party to the ballot title review proceeding may file an objection to the modified ballot title. If no objection is filed by the deadline, the court certifies the modified ballot title to the Elections Division. When an objection is filed timely the Supreme Court reviews the modified ballot title to determine if it complies with statutory requirements.



This process is repeated until a ballot title is finalized by the Supreme Court and an appellate judgment is received by the Elections Division.

Approval to Circulate

ORS 250.045 and 250.052

After receiving the final ballot title, the **Elections Division provides chief petitioners official templates** that must be used to prepare cover and signature sheets for circulation.



See [Official Template Requirements](#) on page 22.

To begin the cover and signature sheet approval process:

Chief Petitioners

- 1 Chief petitioners may add, remove, or change chief petitioners ensuring that one original chief petitioner remains, if necessary.



To add, remove, or change chief petitioners, an amended form [SEL 310](#) must be filed prior to final approval to circulate.

- 2 Chief petitioners or authorized agents may request modifications of official templates, if necessary.

- 3 Chief petitioners or authorized agents use the official templates to prepare cover and signature sheets exactly as intended to circulate.

- 4 Chief petitioners ensure a campaign account has been established and a Statement of Organization filed.



See [Campaign Finance Reporting](#) on page 4.

- 5 Chief petitioners or authorized agents submit an exact example of cover and signature sheets to the Elections Division for approval to circulate.



Cover and signature sheets may only be submitted for approval by chief petitioners or authorized agents.

After receiving signature sheets from chief petitioners or authorized agents, the **Elections Division:**

- ✓ verifies chief petitioners have established a petition committee and filed a Statement of Organization;
- ✓ reviews cover and signature sheets for compliance with petition requirements; and



See [Petition Guidelines and Requirements](#) on page 22.

If cover and signature sheets do not comply

- ✓ provides written notification of all required corrections; or

If cover and signature sheets do comply

- ✓ provides written approval to circulate the petition that includes the number of required signatures and the last day to submit signatures for verification.



See [Filing Requirements](#) on page 5.



Cover and signature sheets will not be approved for circulation until a committee has been established. A separate petition committee must be established and transactions filed for each initiative or referendum.



Forms are available online at www.oregonvotes.gov.

Gathering Signatures

ORS 250.045

Chief Petitioners

- 1 Chief petitioners review with circulators the legal requirements and guidelines for circulating initiative petitions.



See [Petition Guidelines and Requirements](#) on page 22.

- 2 Chief petitioners monitor circulator activities to ensure compliance.
- 3 Chief petitioners may obtain more than the required number of signatures to ensure the petition contains a sufficient number of valid signatures.

Submitting Signatures

ORS 250.105

For each signature submission:

Chief Petitioners or Authorized Agents

- 1 Chief petitioners or authorized agents must ensure each signature sheet certification is signed and dated by the circulator. This does not apply to e-sheets.
- 2 Chief petitioners or authorized agents must sort signature sheets by circulator. This does not apply to e-sheets.
- 3 Chief petitioners or authorized agents are encouraged to separate signature sheets into stacks of 200.
- 4 Chief petitioners or authorized agents number each signature sheet sequentially in the space provided, continuing sequentially until the [SEL 339](#) is filed, marked completed, and signed by all chief petitioners.
- 5 Chief petitioners or authorized agents must provide the number of signatures submitted by completing and filing.



Form [SEL 339 Petition Submission – Initiative, Referendum, Recall, Political Party Formation](#).

Monthly Submission

After receiving final approval to circulate, chief petitioners that are paying circulators to gather signatures are required to submit to the Elections Division not later than the last business day of every month all signatures gathered during the previous calendar month by all individuals paid to circulate.

Chief petitioners or authorized agents may mail (includes delivery service) or personally deliver a monthly submission of signatures to the Elections Division. Only one chief petitioner or authorized agent must be physically present if signatures are personally delivered.



Signature sheets individually mailed or delivered directly to the Elections Division by someone other than a chief petitioner or an authorized agent will not be accepted.


In addition, chief petitioners are required to submit all accounts related to the signatures being submitted.



See [OAR 165-014-0100](#) for account requirements.




Forms are available online at www.oregonvotes.gov.

-  Chief petitioners are not required to make monthly submissions of signatures or of detailed accounts before submitting the initial 1,000 sponsorship signatures. All accounts for sponsorship signatures must be submitted no later than the first regular account submission for the primary signature gathering effort.

Monthly Submission Deadlines

2020 Election Cycle		2022 Election Cycle		
January 31, 2020	July 31, 2020	January 29, 2021	July 30, 2021	January 31, 2022
February 28, 2020	August 31, 2020	February 26, 2021	August 31, 2021	February 28, 2022
March 31, 2020	September 30, 2020	March 31, 2021	September 30, 2021	March 31, 2022
April 30, 2020	October 30, 2020	April 30, 2021	October 29, 2021	April 30, 2022
May 29, 2020	November 30, 2020	May 31, 2021	November 30, 2021	May 31, 2022
June 30, 2020	December 31, 2020	June 30, 2021	December 31, 2021	June 30, 2022

-  Signatures that are not submitted timely will not be accepted for verification.


Other Submission


Chief petitioners or authorized agents for a petition that is required to make a monthly submission may include with the submission, any signatures gathered by volunteer circulators. Chief petitioners or authorized agents for a petition that is not using any paid circulators may submit signatures gathered by volunteer circulators as monthly submissions or when the petition is complete.

Completed Petition Submission

The Elections Division will not accept a petition as complete to begin verification unless chief petitioners affirm they have submitted at least 100% of the required number of signatures and that they believe the petition is complete. To complete a petition:

- 1 Chief petitioners or authorized agents submit enough signatures that, when combined with the number of signatures submitted for sponsorship submissions and any monthly or volunteer submissions, the total number of signatures will be at least 100% of the required number of signatures.
- 2 Chief petitioners affirm the petition is complete by signing:

-  Form [SEL 339 Petition Submission – Initiative, Referendum, Recall, Political Party Formation](#) marked completed and signed by all chief petitioners.

-  Chief petitioners or authorized agents must mail (includes delivery service) or personally deliver the [SEL 339](#) and the signatures necessary to complete the petition. Only one chief petitioner or authorized agent must be physically present if signatures are personally delivered. A petition submitted by mail will only be accepted if a signed copy of the [SEL 339](#) is included in each box.

Verifying Signatures

ORS 250.105 and OAR 165-014-0030

The **Elections Division will only verify signatures**, other than sponsorship submissions, once chief petitioners affirm the petition is complete and if the petition signature sheets accepted for verification, combined with prior verified signatures from sponsorship submissions, contain a number of verified and unverified signatures equal to or greater than the required number of signatures

The **Elections Division processes signature sheets** submitted for verification in accordance with the Statistical Sampling Procedures for State Petitions adopted under administrative rule by:

- ✓ comparing the submitted cover and signature sheets to the official templates;



Unapproved petition sheets and those that do not comply with legal requirements will be rejected.

- ✓ verifying sheets are numbered sequentially;



If prior to data entry the Elections Division determines that the petition has more than 100 signature sheets which are not numbered or are not sequentially numbered, chief petitioners will be promptly notified and allowed to correct the sequential numbering. The renumbering of petition sheets will only occur at the Elections Division and in full view of Elections Division team members, and observers, if requested. Should chief petitioners not correct the sequential numbering, the Elections Division will hire temporary staff to renumber the sheets on behalf of chief petitioners and will subsequently invoice chief petitioners for the entire cost of the temporary staff.

- ✓ determining if the circulator's certification is sufficient; and
- ✓ verifying original signatures using voter registration records.

After signature verification has been completed, the **Elections Division provides** to chief petitioners:

- ✓ results of signature verification;
- ✓ final number of signatures determined to be valid; and

For petitions not qualified to the ballot

- ✓ information on how to submit additional signatures for verification if the filing deadline has not passed; or



If the filing deadline has passed and chief petitioners failed to submit enough valid signatures, the petition is void.

For petitions qualified to the ballot

- ✓ information on measure number assignment.

Assigning Measure Numbers

ORS 250.115

The **Elections Division assigns each measure a unique number** that will not be repeated:

- ✓ after all petitions have been verified, typically late July or early August of even numbered years and
- ✓ in the sequence the completed initiative petitions were filed with the Elections Division for signature verification.

Withdrawing an Initiative

ORS 250.029

To withdraw an initiative petition, **chief petitioners must complete, sign, and file:**



Form SEL 375 *Withdrawal – Petition*

The petition can only be withdrawn if chief petitioners have not submitted the total number of signatures required for verification and filed the SEL 339 affirming completeness.

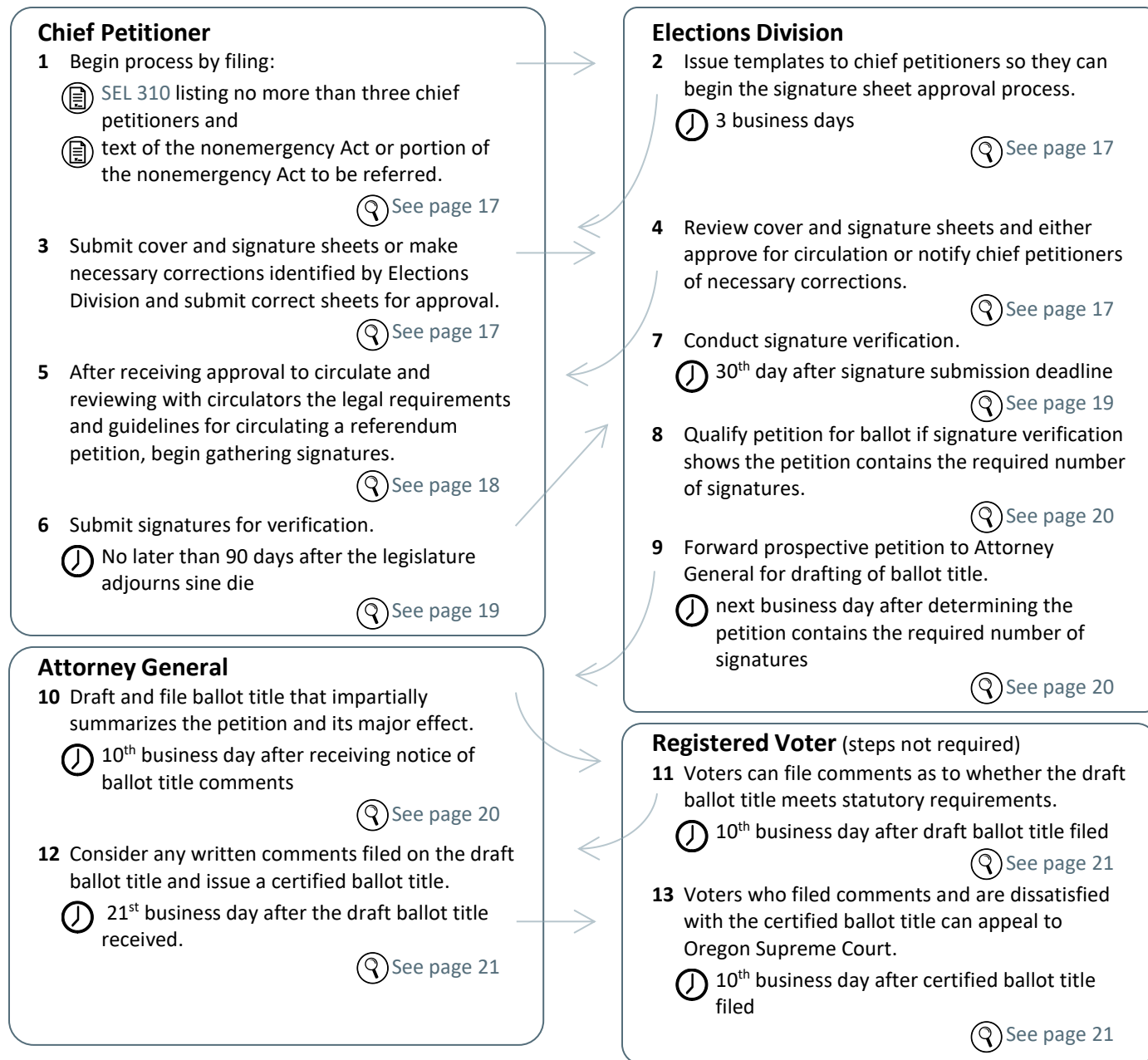


Once withdrawn, the petition cannot be re-activated. Chief petitioners may re-file the initiative and begin the process again.



Forms are available online at www.oregonvotes.gov.

Referendum Process Timeline



📄 Additional information for the timelines applicable to referendum petitions:

- A referendum may only be filed once a bill has been passed by both houses of the legislature and has either been signed by the Governor or the deadline for the Governor to veto has passed.
- During session, the timeline for the Governor to veto a bill is five week-days (days other than Saturday or Sunday). After the legislature adjourns, the Governor has 30 week-days to sign, veto, or allow the bill to go into law without their signature. Any bill submitted to the Governor for their signature within five week-days of the legislature adjourning also falls into this 30-week-day window.
- Qualified referendums are voted on at the next regularly scheduled general election, unless otherwise ordered by the Legislative Assembly. The Legislative Assembly may also provide for a process that supersedes the steps outlined above.
- The bill on which a referendum petition is filed does not go into effect until it is determined the chief petitioners failed to submit enough valid signatures or an election is held.

Referendum Process






A referendum petition allows voters to adopt or reject any nonemergency Act or portion of a nonemergency Act passed by the legislature that becomes law through approval or nonaction of the Governor.

Filing a Prospective Petition

Oregon Constitution, Article IV, §1 and ORS 250.045

Before gathering the signatures necessary to place a referendum on the ballot, chief petitioners must file a prospective petition with the Elections Division.

Chief Petitioners

- 1 Chief petitioners designate no more than three people as chief petitioners and determine circulator pay status.
 -  Form [SEL 310 Prospective Petition – State Initiative or Referendum](#) must be completed and signed by all chief petitioners and designate circulator pay status. Incomplete forms will be rejected.
 -  If any information provided on form [SEL 310](#) changes, including circulator pay status, all chief petitioners must complete and sign an amended form [SEL 310](#). The form must be filed within 10 calendar days of the change.
- 2 Chief petitioners file text of the nonemergency Act or portion of the nonemergency Act to be referred and form [SEL 310](#) with Elections Division.
 -  A referendum petition may be filed on the entire nonemergency Act or part of the nonemergency Act. References to the Act in this manual include a portion of the Act, if that is what is referred.
- 3 Chief petitioners establish a campaign account and file a Statement of Organization designating a treasurer with the Elections Division
 -  See [Campaign Finance Reporting](#) on page 4.
- 4 Chief petitioners may also authorize individuals to act on their behalf in most matters regarding the petition process by completing and filing:
 -  Form [SEL 307 Agent Authorization](#).

Official Templates

After receiving the prospective referendum petition the **Elections Division**:





- ✓ date and time stamps the prospective petition;
- ✓ reviews the forms for completeness and correctness;
- ✓ if complete and correct, assigns the petition an identification number; and
- ✓ provides official cover and signature sheet templates.

Approval to Circulate

ORS 250.045 and 250.052

The official templates must be used to prepare cover and signature sheets for circulation. To begin the cover and signature sheet approval process:

Chief Petitioners

- 1 Chief petitioners may add, remove, or change chief petitioners ensuring that one original chief petitioner remains, if necessary.
 To add, remove, or change chief petitioners, an amended form [SEL 310](#) must be filed prior to final approval to circulate.
- 2 Chief petitioners or authorized agents request modifications of official templates, if necessary;
- 3 Chief petitioners or authorized agents use the official templates to prepare cover and signature sheets exactly as intended to circulate.
 See [Official Template Requirements](#) on page 22.
- 4 Chief petitioners ensure a campaign account has been established and a Statement of Organization filed.
 See [Campaign Finance Reporting](#) on page 4.
- 5 Chief petitioners or authorized agents submit an exact example of cover and signature sheets to the Elections Division for approval to circulate.
 Cover and signature sheets may only be submitted for approval by a chief petitioner or authorized agent.

After receiving signature sheets from chief petitioners or authorized agents, the **Elections Division**:

- ✓ verifies chief petitioners have established a petition committee and filed a Statement of Organization;
- ✓ reviews cover and signature sheets for compliance with petition requirements; and


If cover and signature sheets do not comply

- ✓ provides written notification of all required corrections; or

If cover and signature sheets do comply

- ✓ provides written approval to circulate the petition that includes the number of required signatures and the last day to submit signatures for verification.


 See [Filing Requirements](#) on page 5.

 Cover and signature sheets will not be approved for circulation until a committee has been established. A separate petition committee must be established and transactions filed for each initiative or referendum.

Gathering Signatures

ORS 250.045


Chief Petitioners

- 1 Chief petitioners review with circulators the legal requirements and guidelines for circulating referendum petitions.
 See [Petition Guidelines and Requirements](#) on page 22.
- 2 Chief petitioners monitor circulator activities to ensure compliance.
- 3 Chief petitioners may obtain more than the required number of signatures to ensure the petition contains a sufficient number of valid signatures.

Submitting Signatures

ORS 250.105


Chief petitioners or authorized agents must mail (includes delivery service) or personally deliver the signatures to the Elections Division for verification. Only one chief petitioner or authorized agent must be physically present if signatures are personally delivered.


 Signature sheets individually mailed or delivered directly to the Elections Division by someone other than a chief petitioner or an authorized agent will not be accepted.

The Elections Division will not accept a petition for verification unless chief petitioners affirm they have submitted at least 100% of the required number of signatures and that they believe the petition is complete. To complete a petition:

Chief Petitioners or Authorized Agents

- 1 Chief petitioners or authorized agents ensure each signature sheet certification is signed and dated by the circulator. This does not apply to e-sheets.
- 2 Chief petitioners or authorized agents sort signature sheets by circulator. This does not apply to e-sheets.
- 3 Chief petitioners or authorized agents are encouraged to separate signature sheets into stacks of 200.
- 4 Chief petitioners or authorized agents number each signature sheet sequentially in the space provided.
- 4 Chief petitioners or authorized agents submit signature sheets containing at least 100% of required number of signatures.
- 5 Chief petitioners affirm the petition is complete by filing:

 Form [SEL 339 Petition Submission – Initiative, Referendum, Recall, Political Party Formation](#) marked completed and signed by all chief petitioners.

 A petition submitted by mail will only be accepted if a signed copy of the [SEL 339](#) is included in each box.


Verifying Signatures

ORS 250.105 and OAR 165-014-0030


The **Elections Division will only verify signatures** once chief petitioners affirm the petition is complete and if the petition signature sheets accepted for verification contain a number of unverified signatures equal to or greater than the required number of signatures.

The **Elections Division processes signature sheets** submitted for verification in accordance with the Statistical Sampling Procedures for State Petitions adopted under administrative rule by:

- ✓ comparing the submitted cover and signature sheets to the official templates;

 Unapproved petition sheets and those that do not comply with legal requirements will be rejected.

- ✓ verifying sheets are numbered sequentially;

 If prior to data entry the Elections Division determines that the petition has more than 100 signature sheets which are not numbered or are not sequentially numbered, chief petitioners will be promptly notified and allowed to correct the sequential numbering. The renumbering of petition sheets will only occur at the Elections Division and in full view of Elections Division team members. Should chief petitioners not correct the sequential numbering, the Elections Division will hire temporary staff to renumber the sheets on behalf of chief petitioners and will subsequently invoice chief petitioners for the entire cost of the temporary staff.

- ✓ determining if the circulator's certification is sufficient; and
- ✓ verifying original signatures using voter registration records.

After signature verification has been completed, the **Elections Division provides** to chief petitioners:

- ✓ results of signature verification;
- ✓ final number of signatures determined to be valid; and

For petitions not qualified to the ballot

- ✓ information on how to submit additional signatures for verification if the filing deadline has not passed; or



If the filing deadline has passed and chief petitioners failed to submit enough valid signatures, the petition is void.

For petitions qualified to the ballot

- ✓ forwards a copy of the text of prospective petition to the Attorney General for drafting of the ballot title; and
- ✓ information on measure number assignment.

Assigning Measure Numbers

ORS 250.115

The **Elections Division assigns each measure a unique number** that will not be repeated:

- ✓ after all petitions have been verified; and
- ✓ in the sequence completed petitions were filed with the Elections Division for signature verification.

Draft Ballot Title

ORS 250.035, 250.065, and 250.067

A ballot title is a concise and impartial statement summarizing the referendum and its major effect that is printed on the ballot.

Requirements

After receiving the text of an Act to be referred the **Attorney General prepares a draft ballot title** and files it with the Elections Division. A ballot title includes:

- a caption that does not exceed 15 words describing the subject of the petition;
- a statement that does not exceed 25 words describing the result if the petition is passed;
- a statement that does not exceed 25 words describing the result if the petition is rejected; and
- a summary that does not exceed 125 words describing the major effect of the petition.



The Legislative Assembly may choose to enact legislation either adopting a ballot title or providing an alternative process for preparing a ballot title.

The **Elections Division distributes notice** to chief petitioners, the Legislative Assembly, and the interested party subscription service that the draft ballot title has been received and provides the deadline for submitting written comments.



Comments

Any registered voter may submit written comments on the legal sufficiency of the draft ballot title. After the deadline to submit comments, the Elections Division will forward any comments received to the Attorney General for consideration when certifying the ballot title.



Comments must be received in their entirety prior to 5 pm on the filing deadline to be considered timely.

Certified Ballot Title

ORS 250.067

After considering comments submitted on the draft ballot title, the **Attorney General issues a certified ballot title** and files it with the Elections Division.

The **Elections Division distributes notice** to chief petitioners, the Legislative Assembly, and the interested party subscription service that the certified ballot title has been received and provides the deadline to challenge the ballot title in the Oregon Supreme Court.



If the certified ballot title contains a clerical error, the Attorney General may correct the error no later than the 10th business day after the ballot title is certified. The deadline to file a petition to review the corrected ballot title is no later than the 7th business day after the ballot title is corrected.

Ballot Title Appeal

ORS 250.085

A registered voter who submitted timely written comments on the draft ballot title, and is dissatisfied with the certified ballot title issued by the Attorney General, may petition the Oregon Supreme Court to review the ballot title. The petition must name the Attorney General as the respondent.



For correct procedures on filing an Oregon Supreme Court challenge, refer to the Oregon Rules of Appellate Procedure, Rule 11.30.



Contact the Oregon Supreme Court for more information at 503 986 5555.

A registered voter who files a petition to review the certified ballot title is required to provide notice to the Elections Division by completing and filing:



Form SEL 324 Notice of Ballot Title Challenge – State Initiative, Referendum, Referral



If this notice to the Elections Division is not timely filed, the petition to the Supreme Court may be dismissed.

Supreme Court Review

After a petition to review the ballot title is filed, the **Supreme Court conducts the review** and determines whether the certified ballot title complies with the statutory requirements or does not comply with the statutory requirements. If the court determines that the certified ballot title does not comply with the statutory requirements, the **Supreme Court may**:

✓ modify the ballot title


or

✓ refer it to the Attorney General for modification.



Forms are available online at www.oregonvotes.gov.

Any party to the ballot title review proceeding may file an objection to the modified ballot title. If no objection is filed by the deadline, the court certifies the modified ballot title to the Elections Division. When an objection is filed timely the Supreme Court reviews the modified ballot title to determine if it complies with statutory requirements.


-  This process is repeated until a ballot title is finalized by the Supreme Court and an appellate judgment is received by the Elections Division.

Withdrawing a Referendum

To withdraw a referendum petition, **chief petitioners must complete, sign, and file:**

-  Form SEL 375 Withdrawal – Petition.

The petition can only be withdrawn if chief petitioners have not submitted the total number of signatures required for verification and filed the SEL 339 affirming completeness.

-  Once withdrawn, the petition cannot be re-activated. Chief petitioners may re-file the referendum petition as long as the filing deadline has not passed.

Petition Guidelines and Requirements


The guidelines and requirements for producing and circulating initiative and referendum cover and signature sheets are explained in the following sections.

Official Template Requirements

ORS 250.045 and 250.052

Chief petitioners must use official templates to collect signatures. Official templates include:


- a cover sheet which contains chief petitioner's names and residence addresses as well as, for an initiative, this includes the final ballot title, and for a referendum, the final measure summary from the last engrossed version of the bill;
- a signature sheet with one to twenty lines, which requires the circulator to complete the certification. Ten line sheets expedite the verification process; and
- an e-sheet, which has space for one voter to sign and does not require a circulator certification be completed;

-  Circulators are prohibited from using the e-sheet to gather signatures on any petition.

Requested Modifications

Any modifications to official templates must be made by the Elections Division. To request modifications to the official templates, chief petitioners or authorized agent completes and submits:

-  Form SEL 323 Template Modification and Approval – Initiative, Referendum, Recall, Political Party Formation.

-  Chief Petitioners may request modification of the official templates at any time.

The **Elections Division will review all requests made** and provide modified templates if necessary. Multiple versions of official templates may be approved for circulation simultaneously. Allowable modifications include:

- text, margin, and line spacing adjustments;
- name, mailing address, email address, and website;
- union bug, recycle button, soy ink button, or equivalent;
- other than 10, but no more than 20, signature lines; and
- sequential numbering for internal tracking purposes.

Logos, slogans, advertisements, party affiliation, etc. or any symbol or language that may be construed as advocacy will not be permitted on the official templates.

Required Modifications

If at any time while gathering sponsorship signatures or after receiving final approval to circulate, the residence address of a chief petitioner changes or the circulator pay status changes:

- 1 chief petitioners complete and submit** an amended form [SEL 310](#) within 10 calendar days of the change;
- 2 the Elections Division will provide** revised templates to chief petitioners; and
- 3 chief petitioners must submit updated cover and signature sheets** prepared using the revised templates for approval.





If circulator pay status changes, once new cover and signature sheets are approved to circulate, chief petitioners will have 30 days to remove the previous version from circulation.

Cover and Signature Sheets

ORS 250.045 and 250.052

Production

Chief petitioners must produce the text, e-sheet, cover sheet, and signature sheet in the following manner:


Text	E-Sheet	Cover and Signature Sheet
<ul style="list-style-type: none">✓ printed in at least 10 point type	<ul style="list-style-type: none">✓ printed on at least 20 pound, uncoated white paper or equivalent✓ when submitted for verification be on standard 8½" x 11" size paper or equivalent The size, weight and color paper requirements outlined above do not apply to any e-sheet, if from the face of the e-sheet the Elections Division can determine that the signer printed the e-sheet and had the opportunity prior to signing to review the required information.	<ul style="list-style-type: none">✓ cover and signature sheets are copied or printed back to back on a single sheet of paper✓ when submitted for verification be on standard 8½" x 11" size paper or equivalent✓ printed on at least 20 pound, uncoated paper or equivalent Upon request from the Elections Division, chief petitioners may be required to provide a printer's certification that the paper they are using meets these standards.✓ only colored paper stock may be used for petition sheets gathered by paid circulators



Distribution

To facilitate circulation of approved forms chief petitioners may but are not limited to:

Distribution Method	E-Sheet Requirements	Cover and Signature Sheet Requirements
✓ Petitioners may utilize paid or volunteer circulators to solicit signatures.	→ Circulators may not use e-sheets to gather signatures.	→ Each circulator must have a complete copy of the text available for signers to review unless printed on the cover sheet.
✓ Petitioners may mail to a subscription list or other interested parties	→ A voter needs to request a printed copy to be mailed. A complete copy of the text must be mailed with each e-sheet.	→ A complete copy of the text must be mailed with each cover and signature sheet
✓ Petitioners may publish on a website.	→ A complete copy of the text and instructions for signers to print e-sheet on at least 20 pound, 8½" x 11" uncoated white paper, or equivalent, must be published with the e-sheet.	→ A complete copy of the text and instructions for signers to print the cover and signature sheet back to back on at least 20 pound, 8½" x 11" uncoated white paper, or equivalent, must be published with the cover and signature sheet.
✓ Petitioners may email to a subscription list or other interested parties for voter to print individually at home.	→ A complete copy of the text and instructions for signers to print e-sheet on at least 20 pound, 8½" x 11" uncoated white paper, or equivalent, must be included in the email.	→ A complete copy of the text and instructions for signers to print the cover and signature sheet back to back on at least 20 pound, 8½" x 11" uncoated white paper, or equivalent, must be included in the email.
✓ Petitioners may insert into a publication for distribution.	→ Not applicable to e-sheet.	→ A complete copy of the text must be inserted with the cover and signature sheet.

 To determine if petition sheets may be distributed by a method not listed, contact the Elections Division.

Guidelines for Circulation

ORS 250.045, 260.555 and 260.558

A circulator is an individual who asks voters to sign a petition and signs the petition as a circulator. They are also called petition circulator, signature gatherer, and signature collector. While some are volunteers and others paid professionals, every circulator must follow the requirements and guidelines for circulating petitions.

To ensure compliance with legal requirements and guidelines chief petitioners must educate circulators and monitor their activities.

Circulator Requirements

Each circulator must:	What this means:
→ Witness each signature collected.	✓ Watch the person sign the petition; ❗ It is not sufficient to merely be present in the same room or vicinity.
→ Complete the circulator certification after witnessing all signatures collected on a sheet.	✓ Sign the certification using a legal signature. ❗ A legal signature is defined as a signature possessing obvious and predominantly matching characteristics to signatures on file from a paid circulator's registration, signatures in the Oregon voter registration file, or the signature on an official government document. ❗ Initials, signature stamps, illegible or printed script are not sufficient unless verified by exemplar.
→ Provide the date when the certification was signed.	✓ The date must be provided in month, day, year order if written in all numbers.
→ Allow any person to read the text of an initiative or referendum petition.	✓ A complete copy of text must be available for signers of an initiative or referendum to review if not printed on cover sheet.
→ If being paid to gather signatures, a circulator must register with the Elections Division.	✓ Registration must be completed and a circulator badge issued before a circulator is paid to gather any signatures. ❗ See the Circulator Training Manual available at www.oregonvotes.gov .

❗ A circulator's failure to comply with these requirements may result in the rejection of the petition signature sheets and a felony conviction for the circulator.

Circulator Prohibitions

It is against the law for circulators to knowingly:

→ circulate a petition containing a false signature;
→ attempt to obtain the signature of a person who is not qualified to sign the petition; ❗ Only active registered voters may sign a petition.
→ make false statements to any person who signs the petition or requests information about it;
→ offer money or anything of value to another person to sign or not sign the petition;
→ sell or offer to sell signature sheets; and
→ write, alter, correct, clarify, or obscure any information about the signers unless the signer initials after the changes are made. ❗ A circulator may assist a disabled signer who requests assistance in completing their printed name, address and date signed. In such a case, no initials are required.

❗ Violations of the circulator requirements may result in conviction of a felony with a fine of up to \$125,000 and/or a prison sentence of up to 5 years. ORS 260.715, 260.993

Signer Requirements

Each petition signer must:	What this means
→ Provide an original signature but is encouraged to provide their printed name, date signed, and address;	✓ Petition signers must sign the petition using a signature contained in their voter registration record.
→ Be an active registered voter at the time of signing the petition in the electoral district where the petition is being circulated; and	✓ Information in the voter registration record must be up to date so they would be able to vote on the petition.
→ Personally print a copy of an e-sheet or request a separate person print a copy.	✓ Petition signers may not sign an e-sheet unless they printed it themselves or requested someone else print it for them.

Signature Date

If no date is provided by the signer, the signature is only considered valid if the signer:

- ✓ was an active registered voter between the date the petition was approved to circulate and the circulator's certification date or
- ✓ originally registered to vote on or after the date the petition was approved to circulate and was an active registered voter between their original registration date and the circulator's certification date.



This standard also applies to any signer that provides an ambiguous date such as a date of birth or a date that has not yet occurred at the time of verification instead of the date they signed the petition.

Signer Prohibitions

It is against the law for signers to knowingly:

- sign another person's name under any circumstances;
- sign a petition more than one time; or
- sign a petition when not qualified to sign it.



Only active registered voters may sign a petition. If the signer is not registered to vote or an active voter, then the signature will be rejected unless a completed registration card is received by a designated voter registration agency or elections filing officer before 5 pm the day the petition is signed or 11:59 pm if completed electronically online at www.oregonvotes.gov.

Certification of Signature Sheets

OAR 165-014-0270

After all signatures on a signature sheet have been collected, circulators complete the certification by signing their legal signature and by providing the date when the certification was signed. A legal signature is defined as a signature possessing obvious and predominantly matching characteristics to signatures on file from a paid circulator's registration, signatures in the Oregon voter registration file, or the signature on an official government document.






If additional signatures are gathered after the circulator certification has been signed and dated, the circulator must re-sign and re-date the certification.

If the circulator certification is not completed or determined to be insufficient the signature sheet will be rejected. Prior to submission to the Elections Division the circulator may correct the following defects:






Forms are available online at www.oregonvotes.gov.

Circulator Signature Defects



If the circulator has:	Then the circulator should:
→ signed using only initials;  Unless verified by exemplar.	✓ re-sign and re-date certification with legal signature;
→ signed using a signature stamp;  Unless a signature stamp has been approved under ORS 246.025.	✓ re-sign and re-date certification with legal signature;
→ signed using an illegible signature;  Unless verified by exemplar.	✓ re-sign and re-date certification with legal signature;
→ photocopied or carbon copied the certification; or	✓ sign and re-date certification with legal signature; or
→ signed in a manner that the signature, printed name, and address are all illegible;	✓ re-sign and re-date certification with legal signature.


Certification Date Defects

If the date is:	Then the circulator should:
→ missing;	✓ re-sign and date or date and initial correction;
→ crossed out;	✓ re-sign and re-date or re-date and initial correction;
→ overwritten with a different date;	✓ re-sign and re-date or re-date and initial correction;
→ earlier than all petition signers;  Does not apply if the circulator and the only signer are the same person.	✓ re-sign and re-date or re-date and initial correction;
→ earlier than some, but not all petition signers;  Only those signatures dated on or before the date of the certification will be accepted.	✓ re-sign and re-date or re-date and initial correction;
→ partial or ambiguous; or	✓ re-sign and re-date or re-date and initial correction; or  Date must be provided in month, day, year order if written in all numeric characters.
→ obscured in any way by white out or other correction fluid or adhesive tape.	✓ re-sign and re-date or re-date and initial correction.

The following defects in the circulator certification cannot be corrected and any signature sheet submitted that contains one of these defects will be rejected:

Incurable Defects

→ the original signature of a circulator has been crossed out, and a different circulator's signature is inserted;  Does not apply if the original signature is that of an individual whose signature appears on the same signature sheet as a signer.
→ two individuals sign and date as circulator; or  Does not apply if the only signers and the circulators are the same people
→ white-out or other correction fluid or adhesive tape appears on the signature line.

 Illustrated examples of circulator signature and date defects are available in the [Circulator Training Manual](#) located at www.oregonvotes.gov.



List of Forms

SEL 222

Statement of Organization for Petition Committee

SEL 307

Agent Authorization

SEL 310

Prospective Petition – State Initiative or Referendum

SEL 323

Template Modification and Approval

SEL 324

Notice of Ballot Title Challenge

SEL 339

Petition Submission

SEL 375

Withdrawal – Petition



EXHIBIT G



BALLOT DROP BOXES LOOM LARGE IN 2020

One Oregon county adapted library book drops to further expand voter access.



Author: **Hayat Norimine**

(@HayatNorimine) on November 3, 2020 at 8:02 am

As states explore new ways to enhance vote-by-mail access during the pandemic, one resource has become an important piece of an Oregon county's expansion of drop boxes—libraries. Multnomah County, Oregon, took libraries' civic participation to the next level.

It's common for counties to use libraries as in-person early voting locations or ballot drop-off sites, often placing secure drop boxes in library parking lots. The American Libraries Association [lists at least 312 libraries across the country being used](#) either as secure drop-off sites for ballots or as polling locations. But during the coronavirus pandemic, Multnomah County took it a step further: They allowed book drops at all nineteen of its libraries to be used as official drop boxes. And, they certified all library staffers who enter the buildings and potentially handle those ballots as official election workers.

Multnomah County's Elections Division has always had a strong partnership with the library system. The county is rare in that its library system is countywide, making it easier to coordinate efforts with the county's election officials, said Tim Scott, director of Multnomah County Elections. (Many library systems are designed for citywide use, not a whole county). In previous elections, the county provided ballot drop boxes at its libraries with a secure, locked tote at the circulation desk. But election administrators had to reimagine how to provide the same level of access when the pandemic hit, since patrons could no longer enter the libraries. Those buildings weren't even staffed during the primary election in May.

"Every library has a twenty-four-hour library book drop, which goes into the building—which, of course, is secure," Scott said. "It seemed like a natural and obvious extension of our partnership to do this."

Those library book drops proved essential in helping voters easily turn in their ballots during Oregon's May primary. Multnomah County totaled 279,738 mail-in ballots. Of those, 36,438 ballots were dropped off at the book drops—thirteen percent of voters dropped off their envelopes at a library.

Here's how the process works. When a voter deposits a ballot into the outdoor library return slot, it falls into a secure area within the building. A library staffer, who's also a certified election administrator, then handles that ballot and separates it out from library materials into a secure tote. An election official then comes to pick up the tote that contains the ballots.

Utilizing library book drops as ballot drop boxes is a simple solution to the need for more ballot drop boxes if states want to improve vote-by-mail access. Sightline recommended that local election officials provide at least one ballot drop box for every 10,000 registered voters. According to the American Library Association, there are about 9,000 public libraries, 98,460 school libraries and 3,000 academic libraries in the U.S. If every local election official had done what Multnomah County did and transformed every public library book return chute into a secure ballot drop site, that would have created thousands more places for voters to securely submit their ballot, without driving across the county or waiting in line for hours.

Oregon led the way for voting by mail. The state first tested a vote-by-mail system locally in 1981 and conducted its first all mail-in presidential election in 2000, two decades before the current pandemic and raging legal battles over expansions of vote-by-mail in battleground states. (Washington began all mail-in elections statewide in 2011. In Colorado, it was in 2013.) Drop boxes have been an essential part of successful vote-by-mail systems; voters can just drop by a convenient location in between errands and drop off their ballots at a secure box, and can trust that their ballots will make their way into the hands of local clerks safely and on time. And, drop boxes take the guesswork out of wondering how long it will take the United States Postal Service to deliver the ballot. If it's in the box by the time polls close, it meets the deadline.

Drop boxes have been an essential part of successful vote-by-mail systems; voters can drop off their ballots at a secure box and can trust that their ballots will make their way into the hands of local clerks safely and on time.



Shawn Cunningham, spokesperson for the Multnomah County Library, said library staffers all took an oath to assure the public that they were committed to the "highest levels of integrity" that were expected from election officials.

"It's a role that library spaces and library workers have played for a long time," said Cunningham. "It's a good way to support that critical democratic process and to add more value to the community we serve."

Sightline is a 501(c)3 non-profit organization and does not support, endorse, or oppose any candidate or political party.

Hayat Norimine, research contributor, is a freelance writer who grew up in Washington on the border of Idaho. She previously covered city halls and politics for *The Dallas Morning News*, *Seattle Met* magazine, and *The Daily News in Longview*, Washington. She has an MA in journalism from the Medill School of Journalism and a BA in English from the University of Washington. For Sightline, she researches and writes about democracy reform and elections issues and reports on fossil fuel proposals along the Thin Green Line.

Thank you to Nisha Balaram for editing.

For interviews, speaking engagements, and media inquiries, contact [Anna Fahey](#).

Tagged in: [Absentee Voter Access](#), [ballot drop box](#), [Vote by Mail](#), [VotebyMail2020](#)

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EXHIBIT H



Sherman Sherman Johnnie & Hoyt, LLP
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June 29, 2020

Via Email oregon.sos@oregon.gov
Via Email elections.sos@oregon.gov
Secretary of State Bev Clarno
900 Court Street NE
Capitol Room 136
Salem OR 97310-0722

Via Email Steve.Trout@oregon.gov
Via Email Michelle.Teed@oregon.gov
Elections Director Steve Trout
Elections Deputy Director Michelle Teed
Public Service Building, Suite 501
255 Capitol St. NE
Salem OR 97310

Re: Request for Protection of First Amendment Rights in Light of Pandemic-Related State Restrictions on in-Person Initiative Circulation

Dear Secretary Clarno, Director Trout, and Deputy Director Teed:

I write on behalf of People Not Politicians (“PNP”), which is a coalition of good government groups working to put IP 57 on the ballot in November. IP 57 proposes an independent citizens’ redistricting commission composed of twelve Oregonians who are free from conflicts of interest and represent the diversity of the state. IP 57 is designed to put Oregonians, not politicians at the center of the redistricting process and ensure that every Oregonian has equal opportunity to elect a candidate of their choice regardless of their party affiliation or zip code.

As applied during the pandemic-related government restrictions on PNP, Oregon’s signature-gathering requirements violate PNP’s First Amendment rights. For the entire period that your office has authorized PNP to collect signatures, the state has continued to mandate physical distancing of at least six feet between members of different households and significant restrictions on large gatherings that render the in-person gathering of signatures practically impossible. The formerly mundane social act of approaching strangers in a crowd to collect signatures on a petition is now not only unimaginable, but potentially punishable as a crime.

PNP has collected many thousands of signatures without using any traditional in-person circulation methods. Had such methods been allowed by the state as usual, PNP would be submitting ample signatures to qualify for the 2020 ballot this week.

The combination of pandemic-related state restrictions that block in-person circulation and the looming deadline to submit 149,320 signatures on July 2 effectively prevent PNP from qualifying for the ballot and create an as-applied violation of their First Amendment rights. Both the signature threshold and deadline are arbitrary. Neither can survive the strict scrutiny analysis required under *Angle v. Miller*, 673 F.3d 1122, 1132 (9th Cir. 2012) and *Meyer v. Grant*, 486 U.S. 414, 421-422, 425 (1988). As such, they must be adjusted in light of the pandemic’s unique circumstances.

In *Meyer* the United States Supreme Court recognized that the circulation of ballot petitions is “core political speech” where First Amendment protection is at its “zenith.” The Court overturned prohibitions on paid petition circulators that “restrict[ed] access to the most effective, fundamental, and perhaps economical avenue of political discourse, direct one-on-one communication.” Although the state left open “‘more burdensome’ avenues of communication, [that] does not relieve its burden on First Amendment expression.” Rather, the “First Amendment protects appellees’ right not only to advocate their cause but also to select what they believe to be the most effective means for so doing.”

Federal courts in other states have recently issued restraining orders extending signature deadlines and reducing signature thresholds. See *Fair Maps Nevada v. Cegavske*, No. 3:20-cv-00271, 2020 U.S. Dist. LEXIS 94696, at *31 (D. Nev. May 29, 2020) (applying 9th Cir. test to require extension of signature deadline due to state’s pandemic-related restrictions); *SawariMedia LLC v. Whitmer*, Case No. 20-cv-11246, 2020 U.S. Dist. LEXIS 102237 (E.D. Mich. June 11, 2020) (holding that Michigan constitution’s signature threshold and statutory signature deadline for initiatives is unconstitutional as-applied in light of the state’s COVID-19-related orders); *Esshaki v. Whitmer*, No. 2:20-cv-10831-TGB, 2020 WL 1910154, at *1 (E.D. Mich. Apr. 20, 2020), *aff’d in part* 20-1336, 2020 WL 2185553 (6th Cir. May 5, 2020)(reducing candidate signature threshold and extending deadline); *Libertarian Party of Illinois v. Pritzker*, 1:20-cv-02112, (N.D. Ill. Apr. 23, 2020)(reducing candidate signature thresholds).

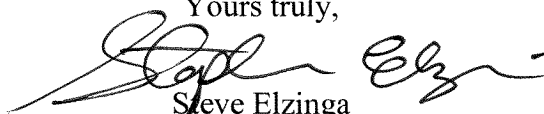
You have previously recognized the need for “[c]ontingency plans . . . to deal with any impacts the COVID-19 virus may have on our election processes.”¹ This is such a time.

The United States Constitution’s First Amendment supersedes any conflicting provisions of state law. We therefore respectfully request that you remedy the as-applied unconstitutionality of Oregon’s signature submission deadline during this unique time by extending it until August 17.² Likewise, we request that you remedy the as-applied unconstitutionality of Oregon’s signature threshold for initiatives by using the 2018 threshold for referenda (58,789) as the most appropriate basis of demonstrating sufficient support in light of the pandemic-related orders prohibiting in-person signature gathering.

The COVID-19 pandemic is unlike any other emergency in our lifetimes. The resulting public safety orders have prevented in-person petition circulation during the primary season of signature gathering. This is a once-in-a-lifetime situation that calls for a highly unique remedy in order to vindicate First Amendment rights.

We appreciate your expedited consideration and respectfully request a response no later than 9am June 30. Please advise if you have any questions.

Yours truly,



Steve Elzinga
steve@shermmlaw.com

¹ Oregon Secretary of State, May Primary Moves Forward as Planned, <https://www.oregon.gov/newsroom/Pages/NewsDetail.aspx?newsid=36214> (Mar. 19, 2020).

² This would necessarily also require an appropriate extension of the signature verification deadline and allow sufficient time for verification before voters’ pamphlet statements are due so no other deadlines would need to be adjusted.

EXHIBIT I

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Attorneys for Defendant Secretary Beverly Clarno

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

PEOPLE NOT POLITICIANS OREGON,
COMMON CAUSE, LEAGUE OF WOMEN
VOTERS OF OREGON, NAACP OF
EUGENE/SPRINGFIELD, INDEPENDENT
PARTY OF OREGON, and C. NORMAN
TURRILL,

Plaintiffs,

v.

BEVERLY CLARNO, OREGON
SECRETARY OF STATE,

Defendant.

Case No. 6:20-cv-01053-MC

DEFENDANT'S NOTICE IN RESPONSE TO
COURT ORDER

Defendant Secretary of State files this Notice in response to the Court's oral ruling on July 10 and its written ruling today, July 13, requiring the Secretary to select between two alternative remedies to be entered as the Court's preliminary injunction. The Secretary objects to the Court's ruling and its order that she select among remedies as inappropriate and inconsistent with the United States Constitution as well as the principles of federalism and equity that counsel federal courts to avoid ordering states to revise their election processes at the eleventh hour before an election. *See, e.g., Republican Nat'l Comm. v. Democratic Nat'l Comm.*, 140 S. Ct. 1205, 1207 (2020).

Subject to those objections, the Secretary declines to place Initiative Petition 57 on the ballot without the submission of signatures that the Oregon Constitution requires. Given that decision, the Secretary understands that the Court's Opinion and Order directs the Secretary to deem Initiative Petition 57 qualified for the ballot if its chief petitioners submit 58,789 valid signatures by August 17, 2020.¹

The Secretary further provides notice that compliance with the Court's order may require the Secretary to adjust (and request the Court order the adjustment of) other deadlines under Oregon law as applied to Initiative Petition 57 as a consequence of its ruling. *See, e.g., Or. Const. art. IV, § 1(4)(a)* (requiring signature verification within 30 days of the submission deadline of the Oregon Constitution); *Or. Rev. Stat. § 251.205(4)* (requiring the Secretary to appoint opponents of a ballot measure to the explanatory statement committee by July 8). The Secretary intends to confer with the Plaintiffs regarding such deadlines as soon as possible and to file a joint status report within a reasonable time reflecting the deadlines that the parties will

¹ The Court's Opinion and Order refers to this number as a 50 percent reduction of the number required to qualify a constitutional initiative under the Oregon Constitution. Order at 13. However, 58,789 signatures is in fact equal to 50% of the number of signatures required for a constitutional initiative to have qualified for placement for the 2018 General Election. *See* Plaintiffs' Motion for a TRO at 33–34. A 50% reduction of the 2020 election's initiative petition 149,360-signature threshold would be 74,680. *See* State Initiative and Referendum Manual at 5.

jointly (or, short of agreement, the Secretary will propose) the Court order to apply to Initiative Petition 57.

DATED July 13, 2020.

Respectfully submitted,

ELLEN F. ROSENBLUM
Attorney General

s/ Christina L. Beatty-Walters
CHRISTINA L. BEATTY-WALTERS #981634
BRIAN SIMMONDS MARSHALL #196129
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Brian.S.Marshall@doj.state.or.us
Attorneys for Defendant Secretary Beverly
Clarno

EXHIBIT J



Oregon Secretary of State

Elections Division

Initiative, Referendum, and Referral Search

Detailed Display: 1 records

Search Date: Wednesday 02/03/2021

Election Year	Keyword	Active	Qualified	Rejected	Withdrawn	Approved to Circulate	Will Pay Circulators	Statutory	Constitutional
2020	..	..	..	..	..	..	..	Y	Y

Detailed Information For : 57/2020

Initiative Number	Date Filed	Will Pay Petitioners	Statutory/Constitutional	Signatures Required	Approved For Circulation	Current Status	Ballot Measure Number
57	11/12/2019	Yes	Constitutional	149,360	04/09/2020		Not Certified

Chief Petitioner Details

Name	C. Norman Turrill	Name	Sharon K. Waterman		
Address	3483 SW Patton Rd. Portland, OR 97201	Address	87518 Davis Creek Ln. Bandon, OR 97411		
Contact Information	Phone: (503)807-4863 Fax:()-	Contact Information	Phone: (541)347-3453 Fax:()-		

Ballot Titles

Subject (Provided by chief petitioners) (view complete text of Initiative)
People Not Politicians
Draft Ballot Title (view complete title received: 12/30/2019, or comments deadline: 01/14/2020)
Amends Constitution: Repeals legislative redistricting process; creates congressional/state redistricting commission; equal representation of Democrats, Republicans, others
Certified Ballot Title (view complete title and AG letter received: 01/30/2020) (appeal deadline: 02/13/2020)
Amends Constitution: Repeals legislative redistricting process; creates congressional/state redistricting commission; equal number of Democrats, Republicans, others
Amended Ballot Title (supreme court opinion received: 03/26/2020)
Certified Ballot Title approved without changes

Notes

11/12/2019 Prospective petition filed. To begin the ballot title drafting process, chief petitioners must submit 1,000 sponsorship signatures.
12/05/2019 Sponsorship signatures submitted for verification.
12/20/2019 Signature verification of sponsorship signatures completed. Petition contains 1,656 signatures.
12/30/2019 Revised text submitted.
02/13/2020 Appealed to Supreme Court
03/27/2020 Judgement Received from Supreme Court. Ballot Title approved with no changes.
03/30/2020 Official templates issued.
04/09/2020 Approved to circulate on canary paper stock for any petition sheet that will be circulated by paid circulators.
04/09/2020 Approved to circulate on white paper stock for any petition sheet that will be circulated by volunteer circulators.
07/13/2020 As ordered by U.S. District Court, District of Oregon, required number of signatures is 58,789 and signature submission deadline is August 17, 2020.
07/13/2020 Signatures submitted for verification. 64,172 unverified signatures.
07/17/2020 Additional signatures submitted for verification. 1,819 unverified signatures.
07/24/2020 Additional signatures submitted for verification. 1,063 unverified signatures.
07/30/2020 Signature verification complete. IP 2020-057 contains 59,493 valid signatures which exceeds the threshold of 58,789 valid signatures set by U.S. District Court, District of Oregon, order.

END OF SEARCH

[Elections Division Home Page](#)

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EXHIBIT K



Oregon Secretary of State Elections Division Initiative, Referendum, and Referral Search

Detailed Display: 72 records

Search Date: Tuesday 02/02/2021

Election Year	Keyword	Active	Qualified	Rejected	Withdrawn	Approved to Circulate	Will Pay Circulators	Statutory	Constitutional
2020	Y	Y

Detailed Information For : 1 / 2020

Initiative Number	Date Filed	Will Pay Petitioners	Statutory/ Constitutional	Signatures Required	Approved For Circulation	Current Status	Ballot Measure Number
1	02/06/2018	Yes	Constitutional	149,360	10/17/2018		Not Certified

Chief Petitioner Details

Name	Ron Buel	Name	B. Elizabeth Trojan		
Address	1810 NE 70th Ave Portland, OR 97213	Address	12320 SW 60th Ave Portland, OR 97219		
Contact Information	Phone: (503)358-8677 Fax:()-	Contact Information	Phone: (503)246-7850 Fax:()-		

Ballot Titles

Subject (Provided by chief petitioners) (view complete text of Initiative)
Get Big Money Out of Oregon Elections III
Draft Ballot Title (view complete title received: 05/15/2018, or comments deadline: 05/30/2018)
Amends Constitution: Allows laws that "regulate" (undefined) contributions and expenditures made to influence elections
Certified Ballot Title (view complete title and AG letter received: 06/14/2018) (appeal deadline: 06/28/2018)
Amends Constitution: Allows laws that "regulate" (undefined) contributions and expenditures made to influence elections
Amended Ballot Title (supreme court opinion received: 09/14/2018)
Certified Ballot Title approved without changes

Notes

02/06/2018 Prospective petition filed. To begin the ballot title drafting process, chief
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petitioners must submit 1,000 sponsorship signatures.
04/23/2018 Sponsorship signatures submitted for verification.
05/03/2018 Signature verification of sponsorship signatures completed. Petition contains 1,489 signatures.
06/28/2018 Appealed to Supreme Court.
09/14/2018 Judgement Received. Certified Ballot Title approved with no changes.
10/17/2018 Approved to circulate on pastel green paper stock for any petition sheet that will be circulated by paid circulators.

Detailed Information For : 2/2020

Initiative Number	Date Filed	Will Pay Petitioners	Statutory/ Constitutional	Signatures Required	Approved For Circulation	Current Status	Ballot Measure Number
2	03/02/2018	Yes	Constitutional	149,360		Withdrawn	Not Certified

Chief Petitioner Details

Name	Elizabeth Maguire	Name	Shane Otley		
Address	1300 SW Hoffman Road West Linn, OR 97068	Address	67976 Oil Well Road Burns, OR 97720		
Contact Information	Phone: (503)445-8282 Fax:()-	Contact Information	Phone: (541)589-5805 Fax:()-		

Ballot Titles

Subject (Provided by chief petitioners) (view complete text of Initiative)
Local, Family & Small Business Fairness Act
Draft Ballot Title (view complete title received: 06/12/2018, or comments deadline: 06/26/2018)
Amends Constitution: Tax rate for some businesses cannot exceed rate for "largest corporations" (undefined); calculation method unclear
Certified Ballot Title (appeal deadline: 07/26/2018)
Amends Constitution: Some businesses' income tax rate cannot exceed rate for "largest corporations" (undefined); calculation method unclear
Amended Ballot Title
No appeal filed

Notes

03/02/2018 Prospective petition filed. To begin the ballot title drafting process, chief
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petitioners must submit 1,000 sponsorship signatures.

05/18/2018 Sponsorship signatures submitted for verification.

06/04/2018 Signature verification of sponsorship signatures completed. Petition contains 1,138 signatures.

08/29/2018 Withdrawn by Chief Petitioners.

Detailed Information For : 3/2020

Initiative Number	Date Filed	Will Pay Petitioners	Statutory/ Constitutional	Signatures Required	Approved For Circulation	Current Status	Ballot Measure Number
3	04/17/2018	No	Statutory	112,020			Not Certified

Chief Petitioner Details

Name	Leanne Littrell D Lorenzo	Name	Joani Komlos Wardwell		
Address	1736 SW Prospect Drive Portland, OR 97201	Address	10629 SW Washington St. Portland, OR 97225		
Contact Information	Phone: (503)701-7122 Fax:()-	Contact Information	Phone: (503)704-2731 Fax:()-		

Ballot Titles

Subject (Provided by chief petitioners) (view complete text of Initiative)
The Right to Justice for Victims of Rape and Sexual Assault Act
Draft Ballot Title
** No Draft Ballot Title Found **
Certified Ballot Title
** No Certified Ballot Title Found **
Amended Ballot Title

Notes

04/17/2018 Prospective petition filed. To begin the ballot title drafting process, chief petitioners must submit 1,000 sponsorship signatures.

Detailed Information For : 4/2020

Initiative Number	Date Filed	Will Pay Petitioners	Statutory/ Constitutional	Signatures Required	Approved For Circulation	Current Status	Ballot Measure Number

4	06/04/2018	Yes	Statutory	112,020			Not Certified
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Chief Petitioner Details

Name	Brandon Jenkins				
Address	3848 Sunnyview Rd. NE Apt. 30 Salem, OR 97305				
Contact Information	Phone: (971)304-4628 Fax:()-				

Ballot Titles

Subject (Provided by chief petitioners) (view complete text of Initiative)
Oregon 2nd Primary in The Nation
Draft Ballot Title
** No Draft Ballot Title Found **
Certified Ballot Title
** No Certified Ballot Title Found **
Amended Ballot Title

Notes

06/04/2018 Prospective petition filed. To begin the ballot title drafting process, chief petitioners must submit 1,000 sponsorship signatures.

Detailed Information For : 5/2020

Initiative Number	Date Filed	Will Pay Petitioners	Statutory/ Constitutional	Signatures Required	Approved For Circulation	Current Status	Ballot Measure Number
5	06/19/2018	Yes	Constitutional	149,360			Not Certified

Chief Petitioner Details

Name	Kevin Mannix	Name	Michele Fletchall	Name	Charles Lee
Address	2007 State St. Salem, OR 97301	Address	4262 Bison Ct NE Salem, OR 97305	Address	6316 Hogan Dr N Keizer, OR 97303
Contact Information	Phone: (503)364-	Contact Information	Phone: ()- Fax:()-	Contact Information	Phone: ()- Fax:()-

	1913 Fax:()-				
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Ballot Titles

Subject (Provided by chief petitioners) (view complete text of Initiative)
Establish Citizen Commission for Legislature Redistricting
Draft Ballot Title (view complete title received: 12/05/2018, or comments deadline: 12/19/2018)
Amends Constitution: Creates commission for legislative redistricting, changes redistricting requirements; commissioners represent areas with very unequal populations
Certified Ballot Title (view complete title and AG letter received: 01/07/2019) (appeal deadline: 01/22/2019)
Amends Constitution: Transfers legislative redistricting to commission; commission over-represents rural areas; changes redistricting requirements; limits judicial review
Amended Ballot Title (view complete title received: 09/04/2019) or (supreme court opinion received: 06/06/2019)
Amends Constitution: Repeals redistricting process performed by legislature; creates new redistricting commission; membership weighted toward rural areas

Notes

06/19/2018 Prospective petition filed. To begin the ballot title drafting process, chief petitioners must submit 1,000 sponsorship signatures.
11/09/2018 Sponsorship signatures submitted for verification.
11/27/2018 Signature verification of sponsorship signatures completed. Petition contains 1,294 signatures.
01/22/2019 Appealed to Supreme Court.
09/04/2019 Judgement Received. Certified Ballot Title modified by Attorney General.
10/31/2019 Withdrawn by Chief Petitioners.

Detailed Information For : 6/2020

Initiative Number	Date Filed	Will Pay Petitioners	Statutory/ Constitutional	Signatures Required	Approved For Circulation	Current Status	Ballot Measure Number
6	07/11/2018	Yes	Statutory	112,020			Not Certified

Chief Petitioner Details

Name	Jerrad Robison	Name	Ston McDaniel		
Address	311 SW Antler Ridge Ct	Address	7401 SE Gentian Way		

	Redmond, OR 97756		Prineville, OR 97754		
Contact Information	Phone: (541)408-8401 Fax:()-	Contact Information	Phone: (541)588-0066 Fax:()-		

Ballot Titles

Subject (Provided by chief petitioners) (view complete text of Initiative)
School Gun Safety Act
Draft Ballot Title
** No Draft Ballot Title Found **
Certified Ballot Title
** No Certified Ballot Title Found **
Amended Ballot Title

Notes

07/11/2018 Prospective petition filed. To begin the ballot title drafting process, chief petitioners must submit 1,000 sponsorship signatures.
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Detailed Information For : 7/2020

Initiative Number	Date Filed	Will Pay Petitioners	Statutory/ Constitutional	Signatures Required	Approved For Circulation	Current Status	Ballot Measure Number
7	07/17/2018	Yes	Constitutional	149,360		Withdrawn	Not Certified

Chief Petitioner Details

Name	Erica Hetfeld-Schpak	Name	Kim Sordyl		
Address	PO Box 820091 Portland, OR 97282	Address	311 NW 12th Ave #1001 Portland, OR 97209		
Contact Information	Phone: (503)765-8055 Fax:()-	Contact Information	Phone: (503)502-1974 Fax:()-		

Ballot Titles

Subject (Provided by chief petitioners) (view complete text of Initiative)
Equal Compensation for Equal Work
Draft Ballot Title (view complete title received: 09/13/2018, or comments deadline: 09/27/2018)

Amends Constitution: Requires public employee "compensation" (defined) "equal" (defined) to comparable private employees; legislature adopts criteria; reporting

Certified Ballot Title (appeal deadline: 10/26/2018)

Amends Constitution: Requires public employee "compensation" (defined) "equal" (defined) to comparable private employees; legislature adopts criteria; reporting

Amended Ballot Title ([supreme court opinion](#) received: 01/23/2019)

Certified Ballot Title approved without changes

Notes

07/17/2018 Prospective petition filed. To begin the ballot title drafting process, chief petitioners must submit 1,000 sponsorship signatures.

08/21/2018 Sponsorship signatures submitted for verification.

09/05/2018 Signature verification of sponsorship signatures completed. Petition contains 1,395 signatures.

10/25/2018 Appealed to Supreme Court.

01/23/2019 Judgement Received. Petition to review the ballot title is dismissed.

01/24/2019 Official templates issued.

09/19/2019 Withdrawn by Chief Petitioners.

Detailed Information For : 8/2020

Initiative Number	Date Filed	Will Pay Petitioners	Statutory/ Constitutional	Signatures Required	Approved For Circulation	Current Status	Ballot Measure Number
8	07/23/2018	Yes	Constitutional	149,360			Not Certified

Chief Petitioner Details

Name	Sharon Preston	Name	Carlyan Castellano		
Address	3435 NW Dogwood Ave Redmond, OR 97756	Address	6213 SW Beaverton Hillsdale Hwy #204 Portland, OR 97221		
Contact Information	Phone: (541)788-5858 Fax:()-	Contact Information	Phone: (760)272-9560 Fax:()-		

Ballot Titles

Subject (Provided by chief petitioners) (view [complete text](#) of Initiative)

The Common Firearms Act

Draft Ballot Title (view [complete title](#) received: 09/25/2018, or [comments](#) deadline: 10/09/2018)

Amends Constitution: Right to bear arms includes possession, use, transfer of firearms/accessories currently allowed; limits regulation

Certified Ballot Title (view [complete title and AG letter](#) received: 10/24/2018) (appeal deadline: 11/07/2018)

Amends Constitution: Creates constitutional right to possess, use, transfer semiautomatic, other firearms. Limits new firearm regulations. Retroactive.

Amended Ballot Title

No appeal filed

Notes

07/23/2018 Prospective petition filed. To begin the ballot title drafting process, chief petitioners must submit 1,000 sponsorship signatures.

08/31/2018 Sponsorship signatures submitted for verification.

09/17/2018 Signature verification of sponsorship signatures completed. Petition contains 1,903 signatures.

11/09/2018 Official templates issued

Detailed Information For : 9/2020

Initiative Number	Date Filed	Will Pay Petitioners	Statutory/ Constitutional	Signatures Required	Approved For Circulation	Current Status	Ballot Measure Number
9	07/23/2018	Yes	Constitutional	149,360		Withdrawn	Not Certified

Chief Petitioner Details

Name	Mike Nearman	Name	Les Poole		
Address	2570 Greenwood Road S Independence, OR 97351	Address	18340 Cornell Place Gladstone, OR 97027		
Contact Information	Phone: (503)838-6001 Fax:()-	Contact Information	Phone: (503)659-1683 Fax:()-		

Ballot Titles

Subject (Provided by chief petitioners) (view [complete text](#) of Initiative)

Tolls Need Voter Approval

Draft Ballot Title

** No Draft Ballot Title Found **

Certified Ballot Title

** No Certified Ballot Title Found **

Amended Ballot Title**Notes**

07/23/2018 Prospective petition filed. To begin the ballot title drafting process, chief petitioners must submit 1,000 sponsorship signatures.

08/29/2018 Withdrawn by Chief Petitioners.

Detailed Information For : 10/2020

Initiative Number	Date Filed	Will Pay Petitioners	Statutory/ Constitutional	Signatures Required	Approved For Circulation	Current Status	Ballot Measure Number
10	07/27/2018	Yes	Constitutional	149,360	12/18/2018		Not Certified

Chief Petitioner Details

Name	Mike Nearman	Name	Les Poole	Name	Julie Parrish
Address	2570 Greenwood Road S Independence, OR 97351	Address	18340 Cornell Place Gladstone, OR 97027	Address	1968 Carriage Way West Linn, OR 97068
Contact Information	Phone: (503)838-6001 Fax:()-	Contact Information	Phone: (503)659-1683 Fax:()-	Contact Information	Phone: (503)744-0938 Fax:()-

Ballot Titles

Subject (Provided by chief petitioners) (view [complete text](#) of Initiative)

Tolls Need Voter Approval

Draft Ballot Title (view [complete title](#) received: 09/17/2018, or [comments](#) deadline: 10/01/2018)

Amends Constitution: Certain transportation tolls require voter approval unless tolls finance "net new capacity" (defined) starting 2018

Certified Ballot Title (view [complete title and AG letter](#) received: 10/16/2018) (appeal deadline: 10/30/2018)

Amends Constitution: Certain transportation fees/tolls require state, county voter approval unless financing "net new capacity"; retroactive

Amended Ballot Title ([supreme court opinion](#) received: 12/14/2018)

Certified Ballot Title approved without changes

Notes

07/27/2018 Prospective petition filed. To begin the ballot title drafting process, chief petitioners must submit 1,000 sponsorship signatures.
08/23/2018 Sponsorship signatures submitted for verification.
09/07/2018 Signature verification of sponsorship signatures completed. Petition contains 1,397 signatures.
10/30/2018 Appealed to Supreme Court.
12/14/2018 Judgement Received. Certified Ballot Title approved with no changes.
12/17/2018 Approved to circulate on white paper stock for any petition sheet that will be circulated by volunteer circulators.

Detailed Information For : 11/2020

Initiative Number	Date Filed	Will Pay Petitioners	Statutory/ Constitutional	Signatures Required	Approved For Circulation	Current Status	Ballot Measure Number
11	08/31/2018	Yes	Statutory	112,020			Not Certified

Chief Petitioner Details

Name	Raven Brumbles	Name	Jim Hoffman		
Address	67251 Maple Crest Rd Deer Island, OR 97054	Address	106 McCormick Gardens Rd Gearhart, OR 97138		
Contact Information	Phone: (503)556-5380 Fax:()-	Contact Information	Phone: (541)969-2976 Fax:()-		

Ballot Titles

Subject (Provided by chief petitioners) (view complete text of Initiative)
Firearms Safety Education
Draft Ballot Title
** No Draft Ballot Title Found **
Certified Ballot Title
** No Certified Ballot Title Found **
Amended Ballot Title

Notes

08/31/2018 Prospective petition filed. To begin the ballot title drafting process, chief petitioners must submit 1,000 sponsorship signatures.
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Detailed Information For : 12/2020

Initiative Number	Date Filed	Will Pay Petitioners	Statutory/ Constitutional	Signatures Required	Approved For Circulation	Current Status	Ballot Measure Number
12	09/04/2018	Yes	Statutory	112,020	12/06/2018	Withdrawn	Not Certified

Chief Petitioner Details

Name	Thomas Eckert	Name	Sheri Eckert		
Address	7605 SW Gearhart Drive Beaverton, OR 97007	Address	7605 SW Gearhart Drive Beaverton, OR 97007		
Contact Information	Phone: (971)275-2590 Fax:()-	Contact Information	Phone: (858)337-5709 Fax:()-		

Ballot Titles

Subject (Provided by chief petitioners) (view complete text of Initiative)
The Psilocybin Service Initiative of Oregon
Draft Ballot Title (view complete title received: 10/18/2018, or comments deadline: 11/01/2018)
Allows psilocybin (defined) manufacture, possession, delivery, administration; creates licensing/enforcement program, fund; reduces criminal penalties
Certified Ballot Title (appeal deadline: 12/03/2018)
Reduces psilocybin criminal penalties; allows licensed psilocybin administration, manufacture, possession, delivery; creates regulatory program, fund
Amended Ballot Title
No appeal filed

Notes

09/04/2018 Prospective petition filed. To begin the ballot title drafting process, chief petitioners must submit 1,000 sponsorship signatures.
09/26/2018 Sponsorship signatures submitted for verification.
10/10/2018 Signature verification of sponsorship signatures completed. Petition contains 1,005 signatures.
12/04/2018 Official templates issued
12/06/2018 Approved to circulate on white paper stock for any petition sheet that will be circulated by volunteer circulators.
11/06/2019 Withdrawn by chief petitioners.

Detailed Information For : 13/2020

Initiative Number	Date Filed	Will Pay Petitioners	Statutory/ Constitutional	Signatures Required	Approved For Circulation	Current Status	Ballot Measure Number
13	10/03/2018	Yes	Constitutional	149,360			Not Certified

Chief Petitioner Details

Name	Julie Parrish	Name	Mark Johnson	Name	Kim Sordyl
Address	1968 Carriage Way West Linn, OR 97068	Address	3370 Fir Mountain Road Hood River, OR 97031	Address	311 NW 12th Ave. #1001 Portland, OR 97209
Contact Information	Phone: (503)744-0938 Fax:()-	Contact Information	Phone: (541)308-5306 Fax:()-	Contact Information	Phone: ()- Fax:()-

Ballot Titles

Subject (Provided by chief petitioners) (view complete text of Initiative)
No Debt for Public Pensions
Draft Ballot Title (view complete title received: 05/07/2019, or comments deadline: 05/21/2019)
Amends Constitution: Creates provision stating public pensions may not accrue unfunded actuarial liability after 2022. Effect unclear.
Certified Ballot Title (view complete title and AG letter received: 06/06/2019) (appeal deadline: 06/20/2019)
Amends Constitution: Governments may not "accrue" unfunded actuarial liability for public pensions; Treasurer calculates; effects unclear
Amended Ballot Title (view complete title received: 11/15/2019) or (supreme court opinion received: 11/14/2019)
Amends Constitution: Public pensions may not "accrue" (undefined) unfunded actuarial liability; Treasurer calculates; prohibits borrowing to comply

Notes

10/03/2018 Prospective petition filed. To begin the ballot title drafting process, chief petitioners must submit 1,000 sponsorship signatures.
04/15/2019 Sponsorship signatures submitted for verification.
04/29/2019 Signature verification of sponsorship signatures completed. Petition contains 1,518 signatures.
06/20/2019 Appealed to Supreme Court.
11/15/2019 Judgement Received. Certified Ballot Title modified by Attorney General.

Detailed Information For : 14/2020

Initiative Number	Date Filed	Will Pay Petitioners	Statutory/ Constitutional	Signatures Required	Approved For Circulation	Current Status	Ballot Measure Number
14	11/14/2018	No	Statutory	112,020			Not Certified

Chief Petitioner Details

Name	Nicole Schaefer				
Address	14507 NW Joseph Court Portland, OR 97229				
Contact Information	Phone: (971)322-9060 Fax:()-				

Ballot Titles

Subject (Provided by chief petitioners) (view complete text of Initiative)
Civil Injunctive Relief for Criminal Violations
Draft Ballot Title
** No Draft Ballot Title Found **
Certified Ballot Title
** No Certified Ballot Title Found **
Amended Ballot Title

Notes

11/14/2018 Prospective petition filed. To begin the ballot title drafting process, chief petitioners must submit 1,000 sponsorship signatures.

Detailed Information For : 15/2020

Initiative Number	Date Filed	Will Pay Petitioners	Statutory/ Constitutional	Signatures Required	Approved For Circulation	Current Status	Ballot Measure Number
15	11/14/2018	No	Statutory	112,020			Not Certified

Chief Petitioner Details

Name	Nicole Schaefer				
Address	14507 NW Joseph Court				

	Portland, OR 97229				
Contact Information	Phone: (971)322-9060 Fax:()-				

Ballot Titles

Subject (Provided by chief petitioners) (view complete text of Initiative)
Civil Right of Action for the Wrongful Injury or Death of an Animal
Draft Ballot Title
** No Draft Ballot Title Found **
Certified Ballot Title
** No Certified Ballot Title Found **
Amended Ballot Title

Notes

11/14/2018 Prospective petition filed. To begin the ballot title drafting process, chief petitioners must submit 1,000 sponsorship signatures.

Detailed Information For : 16/2020

Initiative Number	Date Filed	Will Pay Petitioners	Statutory/ Constitutional	Signatures Required	Approved For Circulation	Current Status	Ballot Measure Number
16	01/30/2019	No	Statutory	112,020		Withdrawn	Not Certified

Chief Petitioner Details

Name	Greg Wasson				
Address	PO Box 2333 Salem, OR 97308				
Contact Information	Phone: (503)371-6614 Fax:()-				

Ballot Titles

Subject (Provided by chief petitioners) (view complete text of Initiative)
The Common Sense Gun Regulation Act of 2020
Draft Ballot Title
** No Draft Ballot Title Found **
Certified Ballot Title

**** No Certified Ballot Title Found ****

Amended Ballot Title

Notes

01/30/2019 Prospective petition filed. To begin the ballot title drafting process, chief petitioners must submit 1,000 sponsorship signatures.

04/12/2019 Withdrawn by Chief Petitioner.

Detailed Information For : 17/2020

Initiative Number	Date Filed	Will Pay Petitioners	Statutory/ Constitutional	Signatures Required	Approved For Circulation	Current Status	Ballot Measure Number
17	02/26/2019	No	Statutory	112,020			Not Certified

Chief Petitioner Details

Name	Greg Wasson				
Address	PO Box 2333 Salem, OR 97308				
Contact Information	Phone: (503)371-6614 Fax:()-				

Ballot Titles

Subject (Provided by chief petitioners) (view [complete text](#) of Initiative)

The Common Sense Gun Regulation Act

Draft Ballot Title

**** No Draft Ballot Title Found ****

Certified Ballot Title

**** No Certified Ballot Title Found ****

Amended Ballot Title

Notes

02/26/2019 Prospective petition filed. To begin the ballot title drafting process, chief petitioners must submit 1,000 sponsorship signatures.

Detailed Information For : 18/2020

Initiative	Date	Will Pay	Statutory/	Signatures	Approved	Current	Ballot
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Number	Filed	Petitioners	Constitutional	Required	For Circulation	Status	Measure Number
18	03/18/2019	Yes	Statutory	112,020			Not Certified

Chief Petitioner Details

Name	Leia Flynn	Name	Madeline Martinez	Name	Angela Bacca
Address	4035 SE 31st Ave. Portland, OR 97202	Address	103 SE 136th Ave. Portland, OR 97233	Address	4725 SW Lombard Ave. #310 Beaverton, OR 97005
Contact Information	Phone: (503)933-0541 Fax:()-	Contact Information	Phone: (503)313-9929 Fax:()-	Contact Information	Phone: (415)515-7483 Fax:()-

Ballot Titles

Subject (Provided by chief petitioners) (view complete text of Initiative)
Legalization Justice Act of 2020
Draft Ballot Title
** No Draft Ballot Title Found **
Certified Ballot Title
** No Certified Ballot Title Found **
Amended Ballot Title

Notes

03/18/2019 Prospective petition filed. To begin the ballot title drafting process, chief petitioners must submit 1,000 sponsorship signatures.
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Detailed Information For : 19/2020

Initiative Number	Date Filed	Will Pay Petitioners	Statutory/ Constitutional	Signatures Required	Approved For Circulation	Current Status	Ballot Measure Number
19	04/04/2019	Yes	Statutory	112,020		Withdrawn	Not Certified

Chief Petitioner Details

Name	Ted Kulongoski	Name	Chris Telfer		
Address	4232 NE Couch Street	Address	20446 Snowmass Drive		

	Portland, OR 97213		Bend, OR 97702		
Contact Information	Phone: (503)477-9362 Fax:()-	Contact Information	Phone: (541)678-3157 Fax:()-		

Ballot Titles

Subject (Provided by chief petitioners) (view complete text of Initiative)
Oregon PERS Solutions 1
Draft Ballot Title
** No Draft Ballot Title Found **
Certified Ballot Title
** No Certified Ballot Title Found **
Amended Ballot Title

Notes

04/04/2019 Prospective petition filed. To begin the ballot title drafting process, chief petitioners must submit 1,000 sponsorship signatures.
05/01/2019 Withdrawn by Chief Petitioners.

Detailed Information For : 20/2020

Initiative Number	Date Filed	Will Pay Petitioners	Statutory/ Constitutional	Signatures Required	Approved For Circulation	Current Status	Ballot Measure Number
20	04/04/2019	Yes	Statutory	112,020		Withdrawn	Not Certified

Chief Petitioner Details

Name	Ted Kulongoski	Name	Chris Telfer		
Address	4232 NE Couch Street Portland, OR 97213	Address	20446 Snowmass Drive Bend, OR 97702		
Contact Information	Phone: (503)477-9362 Fax:()-	Contact Information	Phone: (541)678-3157 Fax:()-		

Ballot Titles

Subject (Provided by chief petitioners) (view complete text of Initiative)
Oregon PERS Solutions 2
Draft Ballot Title

** No Draft Ballot Title Found **
Certified Ballot Title
** No Certified Ballot Title Found **
Amended Ballot Title

Notes

04/04/2019 Prospective petition filed. To begin the ballot title drafting process, chief petitioners must submit 1,000 sponsorship signatures.
05/01/2019 Withdrawn by Chief Petitioners.

Detailed Information For : 21/2020

Initiative Number	Date Filed	Will Pay Petitioners	Statutory/ Constitutional	Signatures Required	Approved For Circulation	Current Status	Ballot Measure Number
21	04/29/2019	Yes	Statutory	112,020		Withdrawn	Not Certified

Chief Petitioner Details

Name	Zack Roberts				
Address	983 NW 2nd Ave. Canby, OR 97013				
Contact Information	Phone: (503)939-8540 Fax:()-				

Ballot Titles

Subject (Provided by chief petitioners) (view complete text of Initiative)
The Citizens of Oregon Petition for a State Sales Tax
Draft Ballot Title
** No Draft Ballot Title Found **
Certified Ballot Title
** No Certified Ballot Title Found **
Amended Ballot Title

Notes

04/29/2019 Prospective petition filed. To begin the ballot title drafting process, chief petitioners must submit 1,000 sponsorship signatures.
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05/07/2019 Withdrawn by Chief Petitioner.

Detailed Information For : 22/2020

Initiative Number	Date Filed	Will Pay Petitioners	Statutory/ Constitutional	Signatures Required	Approved For Circulation	Current Status	Ballot Measure Number
22	05/01/2019	Yes	Statutory	112,020		Withdrawn	Not Certified

Chief Petitioner Details

Name	Ted Kulongoski	Name	Chris Telfer		
Address	4232 NE Couch Street Portland, OR 97213	Address	20446 Snowmass Drive Bend, OR 97702		
Contact Information	Phone: (503)477-9362 Fax:()-	Contact Information	Phone: (541)678-3157 Fax:()-		

Ballot Titles

Subject (Provided by chief petitioners) (view complete text of Initiative)
Oregon PERS Solutions 1
Draft Ballot Title (view complete title received: 08/09/2019, or comments deadline: 08/23/2019)
Increases public employees' pension contribution; limits benefits earned after 2020; provides new employees 401(k); exceptions
Certified Ballot Title (appeal deadline: 09/24/2019)
Public employees must increase pension contribution; new employees may choose new defined-contribution plan; exceptions
Amended Ballot Title
Awaiting Supreme Court opinion

Notes

05/01/2019 Prospective petition filed. To begin the ballot title drafting process, chief petitioners must submit 1,000 sponsorship signatures.
07/18/2019 Sponsorship signatures submitted for verification.
08/01/2019 Signature verification of sponsorship signatures completed. Petition contains 1,218 signatures.
09/24/2019 Appealed to Supreme Court.
11/27/2019 Withdrawn by Chief Petitioners.

Detailed Information For : 23/2020

Initiative Number	Date Filed	Will Pay Petitioners	Statutory/ Constitutional	Signatures Required	Approved For Circulation	Current Status	Ballot Measure Number
23	05/01/2019	Yes	Statutory	112,020		Withdrawn	Not Certified

Chief Petitioner Details

Name	Ted Kulongoski	Name	Chris Telfer		
Address	4232 NE Coach Street Portland, OR 97213	Address	20446 Snowmass Drive Bend, OR 97702		
Contact Information	Phone: (503)477-9362 Fax:()-	Contact Information	Phone: (541)678-3157 Fax:()-		

Ballot Titles

Subject (Provided by chief petitioners) (view complete text of Initiative)
Oregon PERS Solutions 2
Draft Ballot Title (view complete title received: 08/09/2019, or comments deadline: 08/23/2019)
Increases public employees' contributions to PERS pension; mandates 401(k)-style plan for new employees; exceptions
Certified Ballot Title (appeal deadline: 09/24/2019)
Public employees must increase pension contribution; new employees receive only new defined-contribution plan; exceptions
Amended Ballot Title
Awaiting Supreme Court opinion

Notes

05/01/2019 Prospective petition filed. To begin the ballot title drafting process, chief petitioners must submit 1,000 sponsorship signatures.
07/18/2019 Sponsorship signatures submitted for verification.
08/01/2019 Signature verification of sponsorship signatures completed. Petition contains 1,333 signatures.
09/24/2019 Appealed to Supreme Court.
11/27/2019 Withdrawn by Chief Petitioners.

Detailed Information For : 24/2020

Initiative Number	Date Filed	Will Pay Petitioners	Statutory/ Constitutional	Signatures Required	Approved For Circulation	Current Status	Ballot Measure Number
24	05/01/2019	Yes	Statutory	112,020		Withdrawn	Not Certified

Chief Petitioner Details

Name	Ted Kulongoski	Name	Chris Telfer		
Address	4232 NE Couch Street Portland, OR 97213	Address	20446 Snowmass Drive Bend, OR 97702		
Contact Information	Phone: (503)477-9362 Fax:()-	Contact Information	Phone: (541)678-3157 Fax:()-		

Ballot Titles

Subject (Provided by chief petitioners) (view complete text of Initiative)
Oregon PERS Solutions 3
Draft Ballot Title (view complete title received: 08/12/2019, or comments deadline: 08/26/2019)
Public employees must partially fund certain pension costs; prohibits certain plan changes (effect unclear); exceptions
Certified Ballot Title
** No Certified Ballot Title Found **
Amended Ballot Title

Notes

05/01/2019 Prospective petition filed. To begin the ballot title drafting process, chief petitioners must submit 1,000 sponsorship signatures.
07/19/2019 Sponsorship signatures submitted for verification.
08/02/2019 Signature verification of sponsorship signatures completed. Petition contains 1,194 signatures.
09/03/2019 Withdrawn by Chief Petitioners.

Detailed Information For : 25/2020

Initiative Number	Date Filed	Will Pay Petitioners	Statutory/ Constitutional	Signatures Required	Approved For Circulation	Current Status	Ballot Measure Number
25	05/07/2019	Yes	Statutory	112,020			Not Certified

Chief Petitioner Details

Name	Zack Roberts				
Address	983 NW 2nd Ave. Canby, OR 97013				
Contact Information	Phone: (503)939-8540 Fax:()-				

Ballot Titles

Subject (Provided by chief petitioners) (view complete text of Initiative)
State Sales Tax
Draft Ballot Title
** No Draft Ballot Title Found **
Certified Ballot Title
** No Certified Ballot Title Found **
Amended Ballot Title

Notes

05/07/2019 Prospective petition filed. To begin the ballot title drafting process, chief petitioners must submit 1,000 sponsorship signatures.

Detailed Information For : 26/2020

Initiative Number	Date Filed	Will Pay Petitioners	Statutory/ Constitutional	Signatures Required	Approved For Circulation	Current Status	Ballot Measure Number
26	05/14/2019	Yes	Statutory	112,020		Withdrawn	Not Certified

Chief Petitioner Details

Name	Jeff Anderson				
Address	3394 Jack Street North Keizer, OR 97303				
Contact Information	Phone: ()- Fax:()-				

Ballot Titles

Subject (Provided by chief petitioners) (view complete text of Initiative)
Public Assistance Protection Act I

Draft Ballot Title

** No Draft Ballot Title Found **

Certified Ballot Title

** No Certified Ballot Title Found **

Amended Ballot Title**Notes**

05/14/2019 Prospective petition filed. To begin the ballot title drafting process, chief petitioners must submit 1,000 sponsorship signatures.

05/16/2019 Withdrawn by Chief Petitioner.

Detailed Information For : 27/2020

Initiative Number	Date Filed	Will Pay Petitioners	Statutory/ Constitutional	Signatures Required	Approved For Circulation	Current Status	Ballot Measure Number
27	05/14/2019	Yes	Statutory	112,020			Not Certified

Chief Petitioner Details

Name	Jeff Anderson				
Address	3394 Jack Street North Keizer, OR 97303				
Contact Information	Phone: ()- Fax:()-				

Ballot Titles

Subject (Provided by chief petitioners) (view [complete text](#) of Initiative)

Public Assistance Protection Act II

Draft Ballot Title

** No Draft Ballot Title Found **

Certified Ballot Title

** No Certified Ballot Title Found **

Amended Ballot Title**Notes**

05/14/2019 Prospective petition filed. To begin the ballot title drafting process, chief petitioners must submit 1,000 sponsorship signatures.

06/11/2019 Revised text submitted.

Detailed Information For : 28/2020

Initiative Number	Date Filed	Will Pay Petitioners	Statutory/ Constitutional	Signatures Required	Approved For Circulation	Current Status	Ballot Measure Number
28	05/14/2019	Yes	Statutory	112,020			Not Certified

Chief Petitioner Details

Name	Jeff Anderson				
Address	3394 Jack Street North Keizer, OR 97303				
Contact Information	Phone: ()- Fax:()-				

Ballot Titles

Subject (Provided by chief petitioners) (view complete text of Initiative)
Public Assistance Protection Act III
Draft Ballot Title (view complete title received: 09/27/2019, or comments deadline: 10/11/2019)
Certain businesses must pay assessments based on estimated public assistance government provides those businesses' employees
Certified Ballot Title (view complete title and AG letter received: 10/28/2019) (appeal deadline: 11/12/2019)
Certain businesses must pay assessments based on estimated public assistance cost for median-income employee
Amended Ballot Title (supreme court opinion received: 01/16/2020)
Certified Ballot Title approved without changes

Notes

05/14/2019 Prospective petition filed. To begin the ballot title drafting process, chief petitioners must submit 1,000 sponsorship signatures.
06/11/2019 Revised text submitted.
09/05/2019 Sponsorship signatures submitted for verification.
09/19/2019 Signature verification of sponsorship signatures completed. Petition contains 1,096 signatures.
11/12/2019 Appealed to Supreme Court.
01/17/2020 Judgement Received. Certified Ballot Title approved with no changes.

1/22/2020 Official templates issued.

Detailed Information For : 29/2020

Initiative Number	Date Filed	Will Pay Petitioners	Statutory/ Constitutional	Signatures Required	Approved For Circulation	Current Status	Ballot Measure Number
29	05/16/2019	Yes	Statutory	112,020			Not Certified

Chief Petitioner Details

Name	Jeff Anderson				
Address	3394 Jack Street North Keizer, OR 97303				
Contact Information	Phone: ()- Fax:()-				

Ballot Titles

Subject (Provided by chief petitioners) (view complete text of Initiative)
Public Assistance Protection Act IV
Draft Ballot Title
** No Draft Ballot Title Found **
Certified Ballot Title
** No Certified Ballot Title Found **
Amended Ballot Title

Notes

05/16/2019 Prospective petition filed. To begin the ballot title drafting process, chief petitioners must submit 1,000 sponsorship signatures.

Detailed Information For : 30/2020

Initiative Number	Date Filed	Will Pay Petitioners	Statutory/ Constitutional	Signatures Required	Approved For Circulation	Current Status	Ballot Measure Number
30	05/21/2019	No	Statutory	112,020		Withdrawn	Not Certified

Chief Petitioner Details

Name	Brian J. Boquist				
Address	17080 Butler Hill Road				

	Dallas, OR 97338				
Contact Information	Phone: (503)623-7665 Fax:()-				

Ballot Titles

Subject (Provided by chief petitioners) (view complete text of Initiative)
New Green Gas Tax Cut (16 Cents)
Draft Ballot Title
** No Draft Ballot Title Found **
Certified Ballot Title
** No Certified Ballot Title Found **
Amended Ballot Title

Notes

05/21/2019 Prospective petition filed. To begin the ballot title drafting process, chief petitioners must submit 1,000 sponsorship signatures.
09/20/2019 Withdrawn by the Chief Petitioner.

Detailed Information For : 31/2020

Initiative Number	Date Filed	Will Pay Petitioners	Statutory/ Constitutional	Signatures Required	Approved For Circulation	Current Status	Ballot Measure Number
31	06/21/2019	No	Constitutional	149,360			Not Certified

Chief Petitioner Details

Name	Jimmy Dale Whittenburg				
Address	3637 NE Sandy Blvd. Portland, OR 97232				
Contact Information	Phone: (503)729-1637 Fax:()-				

Ballot Titles

Subject (Provided by chief petitioners) (view complete text of Initiative)
Senior (1960 and up) Property Tax Exclusion
Draft Ballot Title

** No Draft Ballot Title Found **

Certified Ballot Title

** No Certified Ballot Title Found **

Amended Ballot Title

Notes

06/21/2019 Prospective petition filed. To begin the ballot title drafting process, chief petitioners must submit 1,000 sponsorship signatures.

Detailed Information For : 32/2020

Initiative Number	Date Filed	Will Pay Petitioners	Statutory/ Constitutional	Signatures Required	Approved For Circulation	Current Status	Ballot Measure Number
32	06/24/2019	No	Statutory	112,020			Not Certified

Chief Petitioner Details

Name	David Smith				
Address	1310 Inglewood Avenue Eugene, OR 97401				
Contact Information	Phone: (541)953-1350 Fax:()-				

Ballot Titles

Subject (Provided by chief petitioners) (view [complete text](#) of Initiative)

Property Tax Relief For Seniors

Draft Ballot Title

** No Draft Ballot Title Found **

Certified Ballot Title

** No Certified Ballot Title Found **

Amended Ballot Title

Notes

06/24/2019 Prospective petition filed. To begin the ballot title drafting process, chief petitioners must submit 1,000 sponsorship signatures.

Detailed Information For : 33/2020

Initiative Number	Date Filed	Will Pay Petitioners	Statutory/ Constitutional	Signatures Required	Approved For Circulation	Current Status	Ballot Measure Number
33	06/28/2019	No	Statutory	112,020		Withdrawn	Not Certified

Chief Petitioner Details

Name	David Smith				
Address	1310 Inglewood Ave. Eugene, OR 97401				
Contact Information	Phone: (541)953-1350 Fax:()-				

Ballot Titles

Subject (Provided by chief petitioners) (view complete text of Initiative)
Property Tax Relief For Seniors
Draft Ballot Title
** No Draft Ballot Title Found **
Certified Ballot Title
** No Certified Ballot Title Found **
Amended Ballot Title

Notes

06/28/2019 Prospective petition filed. To begin the ballot title drafting process, chief petitioners must submit 1,000 sponsorship signatures.
07/11/2019 Withdrawn by Chief Petitioner.

Detailed Information For : 34/2020

Initiative Number	Date Filed	Will Pay Petitioners	Statutory/ Constitutional	Signatures Required	Approved For Circulation	Current Status	Ballot Measure Number
34	07/02/2019	Yes	Statutory	112,020	09/26/2019		109

Chief Petitioner Details

Name	Thomas Eckert	Name	Sheri Eckert		
Address	3511 NE Couch St.	Address	3511 NE Couch St.		

	Portland, OR 97232		Portland, OR 97232		
Contact Information	Phone: (971)275-2590 Fax:()-	Contact Information	Phone: (858)337-5709 Fax:()-		

Ballot Titles

Subject (Provided by chief petitioners) (view complete text of Initiative)
Oregon Psilocybin Services Act
Draft Ballot Title (view complete title received: 08/07/2019, or comments deadline: 08/21/2019)
Creates regulatory program allowing licensed manufacture, delivery, and administration of psilocybin (psychoactive substance from fungus)
Certified Ballot Title (view complete title and AG letter received: 09/06/2019) (appeal deadline: 09/20/2019)
Allows manufacture, delivery, administration of psilocybin at supervised, licensed facilities; imposes two-year development period
Amended Ballot Title
No appeal filed

Notes

07/02/2019 Prospective petition filed. To begin the ballot title drafting process, chief petitioners must submit 1,000 sponsorship signatures.
07/16/2019 Sponsorship signatures submitted for verification.
07/30/2019 Signature verification of sponsorship signatures completed. Petition contains 1,202 signatures.
09/23/2019 Official templates issued.
09/26/2019 Approved to circulate on white paper stock for any petition sheet that will be circulated by volunteer circulators.
11/26/2019 Approved to circulate on green paper stock for any petition sheet that will be circulated by paid circulators.
04/24/2020 Chief petitioners submitted 24,174 signatures gathered during the previous month by all individuals paid to circulate for the total of 126,964.
05/22/2020 Signatures submitted for verification. 135,573 unverified signatures.
06/23/20 Signature verification of early submittal complete. Petition contains 106,908 valid signatures, or 82.12% of the 130,179 signatures accepted for verification. Chief petitioners may submit additional signatures not later than 07/02/20.
06/29/2020 Additional signatures submitted for verification. 31,209 unverified signatures.
07/08/2020 Signature verification has been completed. IP 2020-034 contains 132,465 valid signatures, or 82.30% of the 160,963 signatures accepted for

verification. Petition has qualified for the November 3, 2020, General Election ballot. The total number of signatures accepted for verification includes sponsorship (1,999), primary (154,010) and supplemental (30,784) signature submittals.

8/12/2020 Measure 109

Detailed Information For : 35/2020

Initiative Number	Date Filed	Will Pay Petitioners	Statutory/ Constitutional	Signatures Required	Approved For Circulation	Current Status	Ballot Measure Number
35	07/09/2019	Yes	Statutory	112,020			Not Certified

Chief Petitioner Details

Name	Vikram Anantha	Name	Micha Elizabeth Gross	Name	Kate Crump
Address	7833 SE 16th Ave. Portland, OR 97202	Address	99386 Middle Creek Rd. Myrtle Point, OR 97458	Address	PO Box 152 Rockaway Beach, OR 97136
Contact Information	Phone: (503)753-6728 Fax:()-	Contact Information	Phone: (541)572-3295 Fax:()-	Contact Information	Phone: (541)743-1273 Fax:()-

Ballot Titles

Subject (Provided by chief petitioners) (view complete text of Initiative)
Oregon Forest Waters Protection Act
Draft Ballot Title (view complete title received: 08/23/2019, or comments deadline: 09/09/2019)
Prohibits aerial pesticide application, "clearcuts" (defined) within specified distances of forest waterbodies, requires pesticide notice
Certified Ballot Title (view complete title and AG letter received: 02/18/2020) (appeal deadline: 03/03/2020)
Expands area around forest waterbodies where aerial pesticides are prohibited and where logging operations limited
Amended Ballot Title (supreme court opinion received: 04/09/2020)
Certified Ballot Title approved without changes

Notes

07/09/2019 Prospective petition filed. To begin the ballot title drafting process, chief petitioners must submit 1,000 sponsorship signatures.
08/01/2019 Sponsorship signatures submitted for verification.
08/15/2019 Signature verification of sponsorship signatures completed. Petition

contains 1,765 signatures.

09/24/2019 Initiative petition is rejected. Does not comply with procedural constitutional requirements established in the Oregon Constitution.

02/14/2020 Petition reinstated due to Court Order.

03/03/2020 Appealed to Supreme Court

04/10/2020 Judgement Received from Supreme Court. Ballot Title approved with no changes.

Detailed Information For : 36/2020

Initiative Number	Date Filed	Will Pay Petitioners	Statutory/ Constitutional	Signatures Required	Approved For Circulation	Current Status	Ballot Measure Number
36	07/09/2019	Yes	Statutory	112,020			Not Certified

Chief Petitioner Details

Name	Vikram Anantha	Name	Micha Elizabeth Gross	Name	Kate Crump
Address	7833 SE 16th Ave. Portland, OR 97202	Address	99386 Middle Creek Rd. Myrtle Point, OR 97458	Address	PO Box 152 Rockway Beach, OR 97136
Contact Information	Phone: (503)753-6728 Fax:()-	Contact Information	Phone: (541)572-3295 Fax:()-	Contact Information	Phone: (541)743-1273 Fax:()-

Ballot Titles

Subject (Provided by chief petitioners) (view complete text of Initiative)
Protect Forest Waters from Clearcut Logging
Draft Ballot Title (view complete title received: 08/23/2019, or comments deadline: 09/09/2019)
Prohibits "clearcuts" (defined) within specified distances of waterbodies, expands forestry board "conflict of interest" rules
Certified Ballot Title (view complete title and AG letter received: 02/18/2020) (appeal deadline: 03/03/2020)
Expands area around waterbodies where logging operations limited; precludes some forestry officials from some votes
Amended Ballot Title (supreme court opinion received: 04/09/2020)
Certified Ballot Title approved without changes

Notes

07/09/2019 Prospective petition filed. To begin the ballot title drafting process, chief petitioners must submit 1,000 sponsorship signatures.

08/01/2019 Sponsorship signatures submitted for verification.

08/15/2019 Signature verification of sponsorship signatures completed. Petition contains 1,531 signatures.

09/24/2019 Initiative petition is rejected. Does not comply with procedural constitutional requirements established in the Oregon Constitution.

02/14/2020 Petition reinstated due to Court Order.

03/03/2020 Appealed to Supreme Court

04/10/2020 Judgement Received from Supreme Court. Ballot Title approved with no changes.

Detailed Information For : 37/2020

Initiative Number	Date Filed	Will Pay Petitioners	Statutory/ Constitutional	Signatures Required	Approved For Circulation	Current Status	Ballot Measure Number
37	07/09/2019	Yes	Statutory	112,020			Not Certified

Chief Petitioner Details

Name	Vikram Anantha	Name	Micha Elizabeth Gross	Name	Kate Crump
Address	7833 SE 16th Ave. Portland, OR 97202	Address	99386 Middle Creek Rd. Myrtle Point, OR 97458	Address	PO Box 152 Rockaway Beach, OR 97136
Contact Information	Phone: (503)753-6728 Fax:()-	Contact Information	Phone: (541)572-3295 Fax:()-	Contact Information	Phone: (541)743-1273 Fax:()-

Ballot Titles

Subject (Provided by chief petitioners) (view complete text of Initiative)
Protect Forest Waters from Aerial Pesticide Spray
Draft Ballot Title (view complete title received: 08/26/2019, or comments deadline: 09/10/2019)
Expands forestry-related aerial pesticide prohibitions; requires notification; expands forestry board "conflict of interest" rules
Certified Ballot Title (view complete title and AG letter received: 02/18/2020) (appeal deadline: 03/03/2020)
Expands area around forest waterbodies where aerial pesticides prohibited; precludes forestry officials from some votes

Amended Ballot Title ([supreme court opinion](#) received: 04/09/2020)

Certified Ballot Title approved without changes

Notes

07/09/2019 Prospective petition filed. To begin the ballot title drafting process, chief petitioners must submit 1,000 sponsorship signatures.

08/02/2019 Sponsorship signatures submitted for verification.

08/19/2019 Signature verification of sponsorship signatures completed. Petition contains 1,499 signatures.

09/24/2019 Initiative petition is rejected. Does not comply with procedural constitutional requirements established in the Oregon Constitution.

02/14/2020 Petition reinstated due to Court Order.

03/03/2020 Appealed to Supreme Court

04/10/2020 Judgement Received from Supreme Court. Ballot Title approved with no changes.

Detailed Information For : 38/2020

Initiative Number	Date Filed	Will Pay Petitioners	Statutory/ Constitutional	Signatures Required	Approved For Circulation	Current Status	Ballot Measure Number
38	07/11/2019	No	Statutory	112,020			Not Certified

Chief Petitioner Details

Name	David Smith				
Address	1310 Inglewood Ave. Eugene, OR 97401				
Contact Information	Phone: (541)953-1350 Fax:()-				

Ballot Titles

Subject (Provided by chief petitioners) (view [complete text](#) of Initiative)

Property Tax Relief For Seniors

Draft Ballot Title

** No Draft Ballot Title Found **

Certified Ballot Title

** No Certified Ballot Title Found **

Amended Ballot Title

Notes

07/11/2019 Prospective petition filed. To begin the ballot title drafting process, chief petitioners must submit 1,000 sponsorship signatures.

Detailed Information For : 39/2020

Initiative Number	Date Filed	Will Pay Petitioners	Statutory/ Constitutional	Signatures Required	Approved For Circulation	Current Status	Ballot Measure Number
39	07/15/2019	Yes	Statutory	112,020		Withdrawn	Not Certified

Chief Petitioner Details

Name	Antonio Gisbert	Name	Lonnie Douglas	Name	Satya Lee
Address	1015 R Street Apt D Springfield, OR 97477	Address	987 Ellsworth St. Eugene, OR 97402	Address	3585 Kinsrow Ave #305 Eugene, OR 97401
Contact Information	Phone: (773)727- 1668 Fax:()-	Contact Information	Phone: (541)285- 6373 Fax:()-	Contact Information	Phone: (458)210- 5250 Fax:()-

Ballot Titles

Subject (Provided by chief petitioners) (view complete text of Initiative)
Oregon People's Rebate
Draft Ballot Title
** No Draft Ballot Title Found **
Certified Ballot Title
** No Certified Ballot Title Found **
Amended Ballot Title

Notes

07/15/2019 Prospective petition filed. To begin the ballot title drafting process, chief petitioners must submit 1,000 sponsorship signatures.

11/22/2019 Withdrawn by Chief Petitioners.

Detailed Information For : 40/2020

Initiative Number	Date Filed	Will Pay Petitioners	Statutory/ Constitutional	Signatures Required	Approved For	Current Status	Ballot Measure
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					Circulation		Number
40	07/18/2019	Yes	Statutory	112,020			Not Certified

Chief Petitioner Details

Name	Henry W. Wessinger	Name	Paul Kemp	Name	Lisa A. Reynolds
Address	1000 SW Vista Avenue #1105 Portland, OR 97205	Address	8710 SE 137th Avenue Happy Valley, OR 97086	Address	2442 NW Westover Road Unit 201 Portland, OR 97210
Contact Information	Phone: (503)329-6719 Fax:()-	Contact Information	Phone: (503)307-1606 Fax:()-	Contact Information	Phone: (503)550-1805 Fax:()-

Ballot Titles

Subject (Provided by chief petitioners) (view complete text of Initiative)
Oregonians for Safe Gun Storage and Reporting Lost/Stolen Firearms
Draft Ballot Title (view complete title received: 10/10/2019, or comments deadline: 10/24/2019)
Requires firearms be locked during storage/transfer, loss reported, minors' use supervised; imposes penalties/liabilities
Certified Ballot Title (view complete title and AG letter received: 11/08/2019) (appeal deadline: 11/25/2019)
Owner must lock firearm/use locked storage (exceptions), report loss, supervise minors' use. Penalties/liabilities
Amended Ballot Title (view complete title received: 03/20/2020) or (supreme court opinion received: 03/20/2020)
Requires locking firearm/using locked storage (exceptions), reporting loss, supervising minors' use. Penalties/strict liability

Notes

07/18/2019 Prospective petition filed. To begin the ballot title drafting process, chief petitioners must submit 1,000 sponsorship signatures.
07/29/2019 Chief Petitioner replaced.
09/18/2019 Sponsorship signatures submitted for verification.
10/02/2019 Signature verification of sponsorship signatures completed. Petition contains 1,928 signatures.
11/25/2019 Appealed to Supreme Court.
03/20/2020 Judgement Received from Supreme Court. Ballot Title approved with no changes.

3/23/2020 Official templates issued.

Detailed Information For : 41/2020

Initiative Number	Date Filed	Will Pay Petitioners	Statutory/ Constitutional	Signatures Required	Approved For Circulation	Current Status	Ballot Measure Number
41	07/18/2019	Yes	Statutory	112,020			Not Certified

Chief Petitioner Details

Name	Tom Chamberlain				
Address	3645 SE 32nd Avenue Portland, OR 97202				
Contact Information	Phone: (503)232-1195 Fax:()-				

Ballot Titles

Subject (Provided by chief petitioners) (view complete text of Initiative)
Grocery Store Service and Community Protection Act
Draft Ballot Title (view complete title received: 09/27/2019, or comments deadline: 10/11/2019)
Prohibits "grocery stores" from operating more than two self-service checkout stations per location; penalties
Certified Ballot Title (view complete title and AG letter received: 10/28/2019) (appeal deadline: 11/12/2019)
Prohibits "grocery stores" (defined) from operating more than two self-service checkouts; penalties; anti-retaliation lawsuits
Amended Ballot Title (supreme court opinion received: 01/16/2020)
Certified Ballot Title approved without changes

Notes

07/18/2019 Prospective petition filed. To begin the ballot title drafting process, chief petitioners must submit 1,000 sponsorship signatures.
09/05/2019 Sponsorship signatures submitted for verification.
09/19/2019 Signature verification of sponsorship signatures completed. Petition contains 1,356 signatures.
11/13/2019 Appealed to Supreme Court.
01/17/2020 Judgement Received. Certified Ballot Title approved with no changes.

1/22/2020 Official templates issued.

Detailed Information For : 42/2020

Initiative Number	Date Filed	Will Pay Petitioners	Statutory/ Constitutional	Signatures Required	Approved For Circulation	Current Status	Ballot Measure Number
42	08/12/2019	Yes	Statutory	112,020			Not Certified

Chief Petitioner Details

Name	Madeline Martinez	Name	Leia Flynn	Name	Angela Ruth Bacca
Address	103 SE 136th Avenue Portland, OR 97233	Address	4035 SE 31st Avenue Portland, OR 97202	Address	4725 SW Lombard Ave #310 Beaverton, OR 97005
Contact Information	Phone: (503)313-9929 Fax:()-	Contact Information	Phone: (503)933-0541 Fax:()-	Contact Information	Phone: (415)515-7483 Fax:()-

Ballot Titles

Subject (Provided by chief petitioners) (view complete text of Initiative)
The Legalization Justice Act of 2020
Draft Ballot Title
** No Draft Ballot Title Found **
Certified Ballot Title
** No Certified Ballot Title Found **
Amended Ballot Title

Notes

08/12/2019 Prospective petition filed. To begin the ballot title drafting process, chief petitioners must submit 1,000 sponsorship signatures.

Detailed Information For : 43/2020

Initiative Number	Date Filed	Will Pay Petitioners	Statutory/ Constitutional	Signatures Required	Approved For Circulation	Current Status	Ballot Measure Number
43	08/14/2019	Yes	Statutory	112,020		Rejected	Not Certified

Chief Petitioner Details

Name	Mark Callahan	Name	Angela Roman		
Address	PO Box 651 Oregon City, OR 97045	Address	PO Box 9435 Brooks, OR 97305		
Contact Information	Phone: (503)489-7365 Fax:()-	Contact Information	Phone: ()- Fax:()-		

Ballot Titles

Subject (Provided by chief petitioners) (view complete text of Initiative)
Repeal The Equal Access To Roads Act (formerly known as HB 2015)
Draft Ballot Title (view complete title received: 09/24/2019, or comments deadline: 10/08/2019)
"Demands" repeal of law known as "Equal Access to Roads Act." Effect of "demand" unclear
Certified Ballot Title
** No Certified Ballot Title Found **
Amended Ballot Title

Notes

08/14/2019 Prospective petition filed. To begin the ballot title drafting process, chief petitioners must submit 1,000 sponsorship signatures.
08/30/2019 Sponsorship signatures submitted for verification.
09/16/2019 Signature verification of sponsorship signatures completed. Petition contains 1,880 signatures.
10/22/2019 Initiative petition is rejected. Does not comply with procedural constitutional requirements established in the Oregon Constitution.

Detailed Information For : 44/2020

Initiative Number	Date Filed	Will Pay Petitioners	Statutory/ Constitutional	Signatures Required	Approved For Circulation	Current Status	Ballot Measure Number
44	08/15/2019	Yes	Statutory	112,020	11/26/2019		110

Chief Petitioner Details

Name	Anthony Johnson	Name	Haven Wheelock	Name	Janie Gullickson
Address	5704 N Missouri Avenue Portland, OR 97203	Address	4231 SE 33rd Place Portland, OR 97202	Address	22092 S Dans Avenue Beavercreek, OR 97004

Contact Information	Phone: (503)752-3966 Fax:()-	Contact Information	Phone: (971)373-3904 Fax:()-	Contact Information	Phone: (971)241-6677 Fax:()-
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Ballot Titles

Subject (Provided by chief petitioners) (view complete text of Initiative)
Drug Addiction Treatment and Recovery Act
Draft Ballot Title (view complete title received: 09/20/2019, or comments deadline: 10/04/2019)
Decriminalizes personal, non-commercial possession of most drugs; establishes fund to create addiction recovery centers
Certified Ballot Title (view complete title and AG letter received: 10/21/2019) (appeal deadline: 11/04/2019)
Provides statewide addiction/recovery services; marijuana taxes partially finance; reclassifies possession/penalties for specified drugs
Amended Ballot Title
No appeal filed

Notes

8/15/2019 Prospective petition filed. To begin the ballot title drafting process, chief petitioners must submit 1,000 sponsorship signatures.
8/28/2019 Sponsorship signatures submitted for verification.
9/12/2019 Signature verification of sponsorship signatures completed. Petition contains 1,855 signatures.
11/15/2019 Official templates issued
11/26/2019 Approved to circulate on salmon paper stock for any petition sheet that will be circulated by paid circulators. White paper stock is reserved for volunteer circulators.
4/24/2020 Chief petitioners submitted 22,941 signatures gathered during the previous month by all individuals paid to circulate for the total of 142,391.
5/22/2020 Signatures submitted for verification. 147,339 unverified signatures.
6/05/2020 5,476 additional signatures submitted for verification. 152,815 unverified signatures.
6/15/2020 5,794 additional signatures submitted for verification. 158,609 unverified signatures.
6/19/2020 4,864 additional signatures submitted for verification. 163,473 unverified signatures.
6/30/2020 Signature verification has been completed. IP 2020-044 contains 116,622 valid signatures, or 74.75% of the 156,009 signatures accepted for verification. Petition has qualified for the November 3, 2020, General Election ballot.

The total number of signatures accepted for verification includes sponsorship (1,999) and primary (154,010) signature submittals.

8/12/2020 Measure 110

Detailed Information For : 45/2020

Initiative Number	Date Filed	Will Pay Petitioners	Statutory/ Constitutional	Signatures Required	Approved For Circulation	Current Status	Ballot Measure Number
45	10/02/2019	Yes	Statutory	112,020	03/09/2020	Withdrawn	Not Certified

Chief Petitioner Details

Name	Kate Crump	Name	Vikram Anantha	Name	Micha Elizabeth Gross
Address	PO Box 152 Rockaway Beach, OR 97136	Address	7833 SE 16th Ave Portland, OR 97202	Address	99386 Middle Creek Rd Myrtle Point, OR 97458
Contact Information	Phone: (541)743-1273 Fax:()-	Contact Information	Phone: (503)753-6728 Fax:()-	Contact Information	Phone: ()- Fax:()-

Ballot Titles

Subject (Provided by chief petitioners) (view complete text of Initiative)
Oregon Forest Water Protections 1
Draft Ballot Title (view complete title received: 11/05/2019, or comments deadline: 11/20/2019)
Expands area around forest waterbodies where aerial pesticide spraying is prohibited, logging operations are limited
Certified Ballot Title (appeal deadline: 12/20/2019)
Expands area around forest waterbodies where aerial pesticides are prohibited and where logging operations limited
Amended Ballot Title (supreme court opinion received: 03/05/2020)
Certified Ballot Title approved without changes

Notes

10/02/2019 Prospective petition filed. To begin the ballot title drafting process, chief petitioners must submit 1,000 sponsorship signatures.
10/14/2019 Sponsorship signatures submitted for verification.
10/29/2019 Signature verification of sponsorship signatures completed. Petition contains 1,188 signatures.

12/20/2019 Appealed to Supreme Court.

03/06/2020 Judgement Received from Supreme Court. Ballot Title approved with no changes.

3/09/2020 Approved to circulate on pastel blue paper stock for any petition sheet that will be circulated by paid circulators.

04/07/2020 Withdrawn by chief petitioners.

Detailed Information For : 46/2020

Initiative Number	Date Filed	Will Pay Petitioners	Statutory/ Constitutional	Signatures Required	Approved For Circulation	Current Status	Ballot Measure Number
46	10/02/2019	Yes	Statutory	112,020	03/09/2020		Not Certified

Chief Petitioner Details

Name	Kate Crump	Name	Vikram Anantha	Name	Micha Elizabeth Gross
Address	PO Box 152 Rockaway Beach, OR 97136	Address	7833 SE 16th Ave. Portland, OR 97202	Address	99386 Middle Creek Rd Myrtle Point, OR 97458
Contact Information	Phone: (541)743-1273 Fax:()-	Contact Information	Phone: (503)753-6728 Fax:()-	Contact Information	Phone: (541)572-3295 Fax:()-

Ballot Titles

Subject (Provided by chief petitioners) (view complete text of Initiative)
Oregon Forest Water Protections 2
Draft Ballot Title (view complete title received: 11/06/2019, or comments deadline: 11/21/2019)
Expands area around forest waterbodies where aerial pesticide spraying prohibited; increases notice requirements for spraying
Certified Ballot Title (view complete title and AG letter received: 12/09/2019) (appeal deadline: 12/23/2019)
Expands area around forest waterbodies where aerial pesticide spraying prohibited; increases notice requirements for spraying
Amended Ballot Title (supreme court opinion received: 03/05/2020)
Certified Ballot Title approved without changes

Notes

10/02/2019 Prospective petition filed. To begin the ballot title drafting process, chief petitioners must submit 1,000 sponsorship signatures.

10/15/2019 Sponsorship signatures submitted for verification.
10/29/2019 Signature verification of sponsorship signatures completed. Petition contains 1,233 signatures.
12/23/2019 Appealed to Supreme Court.
03/06/2020 Judgement Received from Supreme Court. Ballot Title approved with no changes.
3/09/2020 Approved to circulate on pastel blue paper stock for any petition sheet that will be circulated by paid circulators.
04/07/2020 Withdrawn by chief petitioners.

Detailed Information For : 47/2020

Initiative Number	Date Filed	Will Pay Petitioners	Statutory/ Constitutional	Signatures Required	Approved For Circulation	Current Status	Ballot Measure Number
47	10/02/2019	Yes	Statutory	112,020		Withdrawn	Not Certified

Chief Petitioner Details

Name	Kate Crump	Name	Vikram Anantha	Name	Micha Elizabeth Gross
Address	PO Box 152 Rockaway Beach, OR 97136	Address	7833 SE 16th Ave. Portland, OR 97202	Address	99386 Middle Creek Rd Myrtle Point, OR 97458
Contact Information	Phone: (541)743-1273 Fax:()-	Contact Information	Phone: (503)753-6728 Fax:()-	Contact Information	Phone: (541)572-3295 Fax:()-

Ballot Titles

Subject (Provided by chief petitioners) (view complete text of Initiative)
Oregon Forest Water Protections 3
Draft Ballot Title (view complete title received: 11/06/2019, or comments deadline: 11/21/2019)
Expands area around waterbodies where logging operations are limited; no compensation if property values reduced
Certified Ballot Title (appeal deadline: 12/23/2019)
Expands to 50/100 feet the area around waterbodies where commercial logging operations limited; exceptions
Amended Ballot Title (supreme court opinion received: 03/05/2020)
Certified Ballot Title approved without changes

Notes

10/02/2019 Prospective petition filed. To begin the ballot title drafting process, chief petitioners must submit 1,000 sponsorship signatures.
10/15/2019 Sponsorship signatures submitted for verification.
10/29/2019 Signature verification of sponsorship signatures completed. Petition contains 1,187 signatures.
12/23/2019 Appealed to Supreme Court.
03/06/2020 Judgement Received from Supreme Court. Ballot Title approved with no changes.
03/06/2020 Official templates issued.
04/07/2020 Withdrawn by chief petitioners.

Detailed Information For : 48/2020

Initiative Number	Date Filed	Will Pay Petitioners	Statutory/ Constitutional	Signatures Required	Approved For Circulation	Current Status	Ballot Measure Number
48	10/07/2019	Yes	Statutory	112,020			Not Certified

Chief Petitioner Details

Name	Lisa Adatto	Name	Chrissy Reitz	Name	Eric C Richardson
Address	1960 Egan Way Lake Oswego, OR 97034	Address	1420 Sunset Road Hood River, OR 97031	Address	1344 Betty Lane Eugene, OR 97404
Contact Information	Phone: ()- Fax:()-	Contact Information	Phone: ()- Fax:()-	Contact Information	Phone: ()- Fax:()-

Ballot Titles

Subject (Provided by chief petitioners) (view complete text of Initiative)
100% Clean Energy by 2045
Draft Ballot Title (view complete title received: 11/19/2019, or comments deadline: 12/04/2019)
All retail electricity sales must come from renewable/"carbon-free" (undefined) energy sources by 2045
Certified Ballot Title (view complete title and AG letter received: 12/19/2019) (appeal deadline: 02/06/2020)
All retail electricity sales must come from renewable/"carbon-free" (undefined) energy sources by 2045
Amended Ballot Title (supreme court opinion received: 03/26/2020)

Certified Ballot Title approved without changes

Notes

10/07/2019 Prospective petition filed. To begin the ballot title drafting process, chief petitioners must submit 1,000 sponsorship signatures.

10/25/2019 Sponsorship signatures submitted for verification.

11/08/2019 Signature verification of sponsorship signatures completed. Petition contains 1,872 signatures.

12/19/2019 Initiative petition is rejected. Does not comply with procedural constitutional requirements established in the Oregon Constitution.

01/23/2020 Petition reinstated due to Court Order.

02/06/2020 Appealed to Supreme Court

03/27/2020 Judgement Received from Supreme Court. Ballot Title approved with no changes.

3/30/2020 Official templates issued.

Detailed Information For : 49/2020

Initiative Number	Date Filed	Will Pay Petitioners	Statutory/ Constitutional	Signatures Required	Approved For Circulation	Current Status	Ballot Measure Number
49	10/07/2019	Yes	Statutory	112,020			Not Certified

Chief Petitioner Details

Name	Lisa Adatto	Name	Chrissy Reitz	Name	Eric C Richardson
Address	1960 Egan Way Lake Oswego, OR 97034	Address	1420 Sunset Road Hood River, OR 97031	Address	1344 Betty Lane Eugene, OR 97404
Contact Information	Phone: ()- Fax:()-	Contact Information	Phone: ()- Fax:()-	Contact Information	Phone: ()- Fax:()-

Ballot Titles

Subject (Provided by chief petitioners) (view [complete text](#) of Initiative)

100% Clean Energy plus Electrification by 2045

Draft Ballot Title (view [complete title](#) received: 11/19/2019, or [comments](#) deadline: 12/04/2019)

Mandates renewable energy sources for all retail electricity by 2045, investments to reduce greenhouse gasses

Certified Ballot Title (view [complete title and AG letter](#) received: 12/19/2019) (appeal deadline: 02/06/2020)

Requires 100% renewable/"carbon free" (undefined) retail electricity by 2045; investments reducing greenhouse gases

Amended Ballot Title ([supreme court opinion](#) received: 03/27/2020)

Certified Ballot Title approved without changes

Notes

10/07/2019 Prospective petition filed. To begin the ballot title drafting process, chief petitioners must submit 1,000 sponsorship signatures.

10/25/2019 Sponsorship signatures submitted for verification.

11/08/2019 Signature verification of sponsorship signatures completed. Petition contains 1,810 signatures.

12/19/2019 Initiative petition is rejected. Does not comply with procedural constitutional requirements established in the Oregon Constitution.

01/23/2020 Petition reinstated due to Court Order.

02/06/2020 Appealed to Supreme Court

03/27/2020 Judgement Received from Supreme Court. Ballot Title approved with no changes.

03/30/2020 Official templates issued.

Detailed Information For : 50/2020

Initiative Number	Date Filed	Will Pay Petitioners	Statutory/Constitutional	Signatures Required	Approved For Circulation	Current Status	Ballot Measure Number
50	10/07/2019	Yes	Statutory	112,020			Not Certified

Chief Petitioner Details

Name	Nadia Gardner	Name	Roger Worthington		
Address	PO Box 650 Tolovana, OR 97145	Address	18615 MacAlpine Loop Bend, OR 97702		
Contact Information	Phone: ()- Fax:()-	Contact Information	Phone: ()- Fax:()-		

Ballot Titles

Subject (Provided by chief petitioners) (view [complete text](#) of Initiative)

100% Carbon-Free Economy by 2050

Draft Ballot Title (view [complete title](#) received: 11/20/2019, or [comments](#) deadline: 12/05/2019)

Oregon greenhouse gas emissions must be eliminated by 2050; creates regulatory authority to ensure reductions

Certified Ballot Title (view [complete title and AG letter](#) received: 12/20/2019)
(appeal deadline: 01/07/2020)

Greenhouse gas emissions from industry, fossil fuels must be eliminated by 2050;
requires rules, enforcement

Amended Ballot Title (view [complete title](#) received: 04/24/2020) or ([supreme court opinion](#) received: 04/24/2020)

Phases out greenhouse gas emissions from fossil fuels and industry by 2050;
requires rules, enforcement

Notes

10/07/2019 Prospective petition filed. To begin the ballot title drafting process, chief petitioners must submit 1,000 sponsorship signatures.

10/28/2019 Sponsorship signatures submitted for verification.

11/12/2019 Signature verification of sponsorship signatures completed. Petition contains 1,787 signatures.

01/07/2020 Appealed to Supreme Court.

04/24/2020 Judgement Received. Certified Ballot Title modified by Attorney General.

Detailed Information For : 51/2020

Initiative Number	Date Filed	Will Pay Petitioners	Statutory/ Constitutional	Signatures Required	Approved For Circulation	Current Status	Ballot Measure Number
51	10/08/2019	Yes	Statutory	112,020			Not Certified

Chief Petitioner Details

Name	Antonio Gisbert	Name	Kathleen Gamer	Name	Joni Linda Peterson
Address	1015 R Street Apt D Springfield, OR 97477	Address	900 Wilson Road Ashland, OR 97520	Address	987 Ellsworth Street Eugene, OR 97402
Contact Information	Phone: (773)727- 1668 Fax:()-	Contact Information	Phone: (541)621- 3299 Fax:()-	Contact Information	Phone: (541)285- 6369 Fax:()-

Ballot Titles

Subject (Provided by chief petitioners) (view [complete text](#) of Initiative)

Oregon People's Rebate

Draft Ballot Title (view [complete title](#) received: 12/05/2019, or [comments](#) deadline: 12/19/2019)

Increases highest corporate minimum tax rates; distributes revenue to individuals;
state replaces lost federal benefits

Certified Ballot Title (view [complete title and AG letter](#) received: 01/07/2020)
(appeal deadline: 01/22/2020)

Increases highest corporate minimum taxes; distributes revenue to eligible individuals; state replaces reduced federal benefits

Amended Ballot Title ([supreme court opinion](#) received: 03/26/2020)

Certified Ballot Title approved without changes

Notes

10/08/2019 Prospective petition filed. To begin the ballot title drafting process, chief petitioners must submit 1,000 sponsorship signatures.

11/12/2019 Sponsorship signatures submitted for verification.

11/26/2019 Signature verification of sponsorship signatures completed. Petition contains 1,003 signatures.

01/22/2020 Appealed to Supreme Court

03/27/2020 Judgement Received from Supreme Court. Ballot Title approved with no changes.

03/30/2020 Official templates issued.

Detailed Information For : 52/2020

Initiative Number	Date Filed	Will Pay Petitioners	Statutory/ Constitutional	Signatures Required	Approved For Circulation	Current Status	Ballot Measure Number
52	10/25/2019	Yes	Statutory	112,020			Not Certified

Chief Petitioner Details

Name	Mark Callahan	Name	Angela Roman		
Address	PO Box 651 Oregon City, OR 97045	Address	PO Box 9435 Brooks, OR 97305		
Contact Information	Phone: (503)489-7365 Fax:()-	Contact Information	Phone: (503)489-7365 Fax:()-		

Ballot Titles

Subject (Provided by chief petitioners) (view [complete text](#) of Initiative)

Repeals Oregon Laws 2019 Amendments to ORS 807.021(1), ORS 807.040(1)(b), ORS 802.200(8)(e) & 807.400(1)(b)

Draft Ballot Title

** No Draft Ballot Title Found **

Certified Ballot Title

** No Certified Ballot Title Found **

Amended Ballot Title

Notes

10/25/2019 Prospective petition filed. To begin the ballot title drafting process, chief petitioners must submit 1,000 sponsorship signatures.

Detailed Information For : 53/2020

Initiative Number	Date Filed	Will Pay Petitioners	Statutory/ Constitutional	Signatures Required	Approved For Circulation	Current Status	Ballot Measure Number
53	11/05/2019	Yes	Constitutional	149,360		Withdrawn	Not Certified

Chief Petitioner Details

Name	Jim James	Name	Scott Russell	Name	Neil A. Westfall
Address	27654 Riggs Hill Road Foster, OR 97345	Address	31291 Raymond Creek Road Scappoose, OR 97056	Address	99464 Rock Creek Lane Myrtle Point, OR 97458
Contact Information	Phone: (541)619-4252 Fax:()-	Contact Information	Phone: (503)543-2434 Fax:()-	Contact Information	Phone: (541)572-2054 Fax:()-

Ballot Titles

Subject (Provided by chief petitioners) (view [complete text](#) of Initiative)

Fair and Just Compensation Act

Draft Ballot Title (view [complete title](#) received: 12/11/2019, or [comments](#) deadline: 12/26/2019)

Amends Constitution: Compensation required if laws eliminate "substantially all" value to landowner of their land/portion thereof

Certified Ballot Title (appeal deadline: 01/28/2020)

Amends Constitution: Compensation required if laws eliminate "substantially all" value of all or portion of land; retroactive

Amended Ballot Title

Awaiting Supreme Court opinion

Notes

11/05/2019 Prospective petition filed. To begin the ballot title drafting process, chief petitioners must submit 1,000 sponsorship signatures.

11/18/2019 Sponsorship signatures submitted for verification.
12/03/2019 Signature verification of sponsorship signatures completed. Petition contains 1,309 signatures.
01/28/2020 Appealed to Supreme Court
04/07/2020 Withdrawn by chief petitioners.

Detailed Information For : 54/2020

Initiative Number	Date Filed	Will Pay Petitioners	Statutory/ Constitutional	Signatures Required	Approved For Circulation	Current Status	Ballot Measure Number
54	11/05/2019	Yes	Statutory	112,020			Not Certified

Chief Petitioner Details

Name	Jim James	Name	Scott Russell	Name	Neil A Westfall
Address	27654 Riggs Hill Road Foster, OR 97345	Address	31291 Raymond Creek Road Scappoose, OR 97056	Address	99464 Rock Creek Lane Myrtle Point, OR 97458
Contact Information	Phone: (541)619-4252 Fax:()-	Contact Information	Phone: (503)543-2434 Fax:()-	Contact Information	Phone: (541)572-2054 Fax:()-

Ballot Titles

Subject (Provided by chief petitioners) (view complete text of Initiative)
Oregon Forest Science Standards Act
Draft Ballot Title (view complete title received: 12/11/2019, or comments deadline: 12/26/2019)
Allows Forestry Board to block laws passed by legislature/voters regulating forest practices; effect unclear
Certified Ballot Title
** No Certified Ballot Title Found **
Amended Ballot Title

Notes

11/05/2019 Prospective petition filed. To begin the ballot title drafting process, chief petitioners must submit 1,000 sponsorship signatures.
11/18/2019 Sponsorship signatures submitted for verification.
12/03/2019 Signature verification of sponsorship signatures completed. Petition

contains 1,272 signatures.

01/13/2020 Initiative petition is rejected. Does not comply with procedural constitutional requirements established in the Oregon Constitution.

04/07/2020 Withdrawn by chief petitioners.

Detailed Information For : 55/2020

Initiative Number	Date Filed	Will Pay Petitioners	Statutory/ Constitutional	Signatures Required	Approved For Circulation	Current Status	Ballot Measure Number
55	11/05/2019	Yes	Statutory	112,020		Withdrawn	Not Certified

Chief Petitioner Details

Name	Jim James	Name	Scott Russell	Name	Neil A Westfall
Address	27654 Riggs Hill Road Foster, OR 97345	Address	31291 Raymond Creek Road Scappoose, OR 97056	Address	99464 Rock Creek Lane Myrtle Point, OR 97458
Contact Information	Phone: (541)619-4252 Fax:()-	Contact Information	Phone: (503)543-2434 Fax:()-	Contact Information	Phone: (541)572-2054 Fax:()-

Ballot Titles

Subject (Provided by chief petitioners) (view complete text of Initiative)
Forestry Oversight Improvement Act
Draft Ballot Title (view complete title received: 12/17/2019, or comments deadline: 01/02/2020)
Changes Forestry Board composition; restricts governor's appointment authority; eliminates financial interest restrictions for board members
Certified Ballot Title (appeal deadline: 02/03/2020)
Changes Forestry Board composition; restricts governor's appointment authority; eliminates financial interest restrictions for board members
Amended Ballot Title (supreme court opinion received: 03/26/2020)
Certified Ballot Title approved without changes

Notes

11/05/2019 Prospective petition filed. To begin the ballot title drafting process, chief petitioners must submit 1,000 sponsorship signatures.
11/22/2019 Sponsorship signatures submitted for verification.
12/09/2019 Signature verification of sponsorship signatures completed. Petition contains 1,483 signatures.

02/03/2020	Appealed to Supreme Court
03/27/2020	Judgement Received from Supreme Court. Ballot Title approved with no changes.
03/30/2020	Official templates issued.
04/07/2020	Withdrawn by chief petitioners.

Detailed Information For : 56/2020

Initiative Number	Date Filed	Will Pay Petitioners	Statutory/ Constitutional	Signatures Required	Approved For Circulation	Current Status	Ballot Measure Number
56	11/07/2019	Yes	Statutory	112,020			Not Certified

Chief Petitioner Details

Name	Margaret Ngai	Name	Douglas Moore		
Address	5623 SE Insley St. Portland, OR 97206	Address	7075 NE Hassalo St. Portland, OR 97213		
Contact Information	Phone: (503)548-2541 Fax:()-	Contact Information	Phone: ()- Fax:()-		

Ballot Titles

Subject (Provided by chief petitioners) (view complete text of Initiative)
Toxics Reduction and Right to Know Act
Draft Ballot Title (view complete title received: 12/19/2019, or comments deadline: 01/06/2020)
Increases state authority to reduce toxic air contaminants, local authority to collect/disclose toxics information
Certified Ballot Title (view complete title and AG letter received: 01/22/2020) (appeal deadline: 02/05/2020)
Increases state authority over toxic air contaminants, local authority to collect/disclose toxic substance information
Amended Ballot Title (supreme court opinion received: 03/26/2020)
Certified Ballot Title approved without changes

Notes

11/07/2019 Prospective petition filed. To begin the ballot title drafting process, chief petitioners must submit 1,000 sponsorship signatures.
11/26/2019 Sponsorship signatures submitted for verification.
12/11/2019 Signature verification of sponsorship signatures completed. Petition

contains 1,233 signatures.

02/05/2020 Appealed to Supreme Court

03/27/2020 Judgement Received from Supreme Court. Ballot Title approved with no changes.

03/30/2020 Official templates issued.

Detailed Information For : 57/2020

Initiative Number	Date Filed	Will Pay Petitioners	Statutory/ Constitutional	Signatures Required	Approved For Circulation	Current Status	Ballot Measure Number
57	11/12/2019	Yes	Constitutional	149,360	04/09/2020		Not Certified

Chief Petitioner Details

Name	C. Norman Turrill	Name	Sharon K. Waterman		
Address	3483 SW Patton Rd. Portland, OR 97201	Address	87518 Davis Creek Ln. Bandon, OR 97411		
Contact Information	Phone: (503)807-4863 Fax:()-	Contact Information	Phone: (541)347-3453 Fax:()-		

Ballot Titles

Subject (Provided by chief petitioners) (view complete text of Initiative)
People Not Politicians
Draft Ballot Title (view complete title received: 12/30/2019, or comments deadline: 01/14/2020)
Amends Constitution: Repeals legislative redistricting process; creates congressional/state redistricting commission; equal representation of Democrats, Republicans, others
Certified Ballot Title (view complete title and AG letter received: 01/30/2020) (appeal deadline: 02/13/2020)
Amends Constitution: Repeals legislative redistricting process; creates congressional/state redistricting commission; equal number of Democrats, Republicans, others
Amended Ballot Title (supreme court opinion received: 03/26/2020)
Certified Ballot Title approved without changes

Notes

11/12/2019 Prospective petition filed. To begin the ballot title drafting process, chief petitioners must submit 1,000 sponsorship signatures.

12/05/2019 Sponsorship signatures submitted for verification.
12/20/2019 Signature verification of sponsorship signatures completed. Petition contains 1,656 signatures.
12/30/2019 Revised text submitted.
02/13/2020 Appealed to Supreme Court
03/27/2020 Judgement Received from Supreme Court. Ballot Title approved with no changes.
03/30/2020 Official templates issued.
04/09/2020 Approved to circulate on canary paper stock for any petition sheet that will be circulated by paid circulators.
04/09/2020 Approved to circulate on white paper stock for any petition sheet that will be circulated by volunteer circulators.
07/13/2020 As ordered by U.S. District Court, District of Oregon, required number of signatures is 58,789 and signature submission deadline is August 17, 2020.
07/13/2020 Signatures submitted for verification. 64,172 unverified signatures.
07/17/2020 Additional signatures submitted for verification. 1,819 unverified signatures.
07/24/2020 Additional signatures submitted for verification. 1,063 unverified signatures.
07/30/2020 Signature verification complete. IP 2020-057 contains 59,493 valid signatures which exceeds the threshold of 58,789 valid signatures set by U.S. District Court, District of Oregon, order.

Detailed Information For : 58/2020

Initiative Number	Date Filed	Will Pay Petitioners	Statutory/ Constitutional	Signatures Required	Approved For Circulation	Current Status	Ballot Measure Number
58	11/13/2019	Yes	Constitutional	149,360	04/09/2020		Not Certified

Chief Petitioner Details

Name	C. Norman Turrill	Name	Sharon K. Waterman		
Address	3483 SW Patton Rd. Portland, OR 97201	Address	87518 Davis Creek Ln. Bandon, OR 97411		
Contact Information	Phone: (503)807-4863 Fax:()-	Contact Information	Phone: (541)347-3453 Fax:()-		

Ballot Titles

Subject (Provided by chief petitioners) (view complete text of Initiative)
People Not Politicians 2
Draft Ballot Title (view complete title received: 12/31/2019, or comments deadline: 01/15/2020)
Amends Constitution: Repeals legislative redistricting process; creates state legislative redistricting commission; equal representation of Democrats, Republicans, others
Certified Ballot Title (view complete title and AG letter received: 01/31/2020) (appeal deadline: 02/14/2020)
Amends Constitution: Repeals legislative redistricting process; creates state redistricting commission; equal number of Democrats, Republicans, others
Amended Ballot Title (supreme court opinion received: 03/26/2020)
Certified Ballot Title approved without changes

Notes

11/13/2019 Prospective petition filed. To begin the ballot title drafting process, chief petitioners must submit 1,000 sponsorship signatures.
12/06/2019 Sponsorship signatures submitted for verification.
12/23/2019 Signature verification of sponsorship signatures completed. Petition contains 1,552 signatures.
12/30/2019 Revised text submitted.
02/14/2020 Appealed to Supreme Court
03/27/2020 Judgement Received from Supreme Court. Ballot Title approved with no changes.
03/27/2020 Official templates issued.
04/09/2020 Approved to circulate on blue paper stock for any petition sheet that will be circulated by paid circulators.
04/09/2020 Approved to circulate on white paper stock for any petition sheet that will be circulated by volunteer circulators.

Detailed Information For : 59/2020

Initiative Number	Date Filed	Will Pay Petitioners	Statutory/ Constitutional	Signatures Required	Approved For Circulation	Current Status	Ballot Measure Number
59	11/13/2019	Yes	Constitutional	149,360	04/09/2020		Not Certified

Chief Petitioner Details

Name	C. Norman Turrill	Name	Sharon K. Waterman		
Address	3483 SW Patton	Address	87518 Davis		

	Rd. Portland, OR 97201		Creek Ln. Bandon, OR 97411		
Contact Information	Phone: (503)807-4863 Fax:()-	Contact Information	Phone: (541)347-3453 Fax:()-		

Ballot Titles

Subject (Provided by chief petitioners) (view complete text of Initiative)
People Not Politicians 3
Draft Ballot Title (view complete title received: 12/31/2019, or comments deadline: 01/15/2020)
Amends Constitution: Creates congressional redistricting commission; equal representation of Democrats, Republicans, others
Certified Ballot Title (view complete title and AG letter received: 01/31/2020) (appeal deadline: 02/14/2020)
Amends Constitution: Creates congressional redistricting commission; equal number of Democrats, Republicans, others
Amended Ballot Title (supreme court opinion received: 03/26/2020)
Certified Ballot Title approved without changes

Notes

11/13/2019 Prospective petition filed. To begin the ballot title drafting process, chief petitioners must submit 1,000 sponsorship signatures.
12/06/2019 Sponsorship signatures submitted for verification.
12/23/2019 Signature verification of sponsorship signatures completed.
12/30/2019 Revised text submitted.
02/14/2020 Appealed to Supreme Court
03/27/2020 Judgement Received from Supreme Court. Ballot Title approved with no changes.
03/30/2020 Official templates issued.
04/09/2020 Approved to circulate on salmon paper stock for any petition sheet that will be circulated by paid circulators.
04/09/2020 Approved to circulate on white paper stock for any petition sheet that will be circulated by volunteer circulators.

Detailed Information For : 60/2020

Initiative Number	Date Filed	Will Pay Petitioners	Statutory/ Constitutional	Signatures Required	Approved For Circulation	Current Status	Ballot Measure Number
60	12/09/2019	No	Statutory	112,020	04/28/2020		Not

Certified

Chief Petitioner Details

Name	Walter John Knutson III	Name	Michael Z. Cahana	Name	Alcena E. Boozer
Address	4526 NE 27th Ave. Portland, OR 97211	Address	3139 SW Fairmount Blvd. Portland, OR 97239	Address	5256 NE 48th Ave. Portland, OR 97218
Contact Information	Phone: (503)288-6174 Fax:()-	Contact Information	Phone: (503)577-4814 Fax:()-	Contact Information	Phone: (503)544-9773 Fax:()-

Ballot Titles

Subject (Provided by chief petitioners) (view complete text of Initiative)
Reduction of Gun Violence Act through Regulation of Semiatomatic Firearms and Large-Capacity Ammunition Magazines
Draft Ballot Title (view complete title received: 01/14/2020, or comments deadline: 01/29/2020)
Certain semiautomatic firearms sold/transferred through gun dealers only; adds purchase restrictions, magazine capacity limits
Certified Ballot Title (view complete title and AG letter received: 02/13/2020) (appeal deadline: 02/28/2020)
Adds restrictions on certain semiautomatic firearm purchases/transfers; prohibits ammunition magazines over ten rounds; exceptions
Amended Ballot Title (supreme court opinion received: 04/09/2020)
Certified Ballot Title approved without changes

Notes

12/09/2019 Prospective petition filed. To begin the ballot title drafting process, chief petitioners must submit 1,000 sponsorship signatures.
12/19/2019 Sponsorship signatures submitted for verification.
01/06/2020 Signature verification of sponsorship signatures completed. Petition contains 1,210 signatures.
02/28/2020 Appealed to Supreme Court
04/10/2020 Judgement Received from Supreme Court. Ballot Title approved with no changes.
04/28/2020 Approved to circulate on white paper stock for any petition sheet that will be circulated by volunteer circulators.

Detailed Information For : 61/2020

Initiative Number	Date Filed	Will Pay Petitioners	Statutory/Constitutional	Signatures Required	Approved For Circulation	Current Status	Ballot Measure Number
61	12/09/2019	No	Statutory	112,020			Not Certified

Chief Petitioner Details

Name	Walter John Knutson III	Name	Michael Z. Cahana	Name	Alcena E. Boozer
Address	4526 NE 27th Ave. Portland, OR 97211	Address	3139 SW Fairmount Blvd. Portland, OR 97239	Address	5256 NE 48th Ave. Portland, OR 97218
Contact Information	Phone: (503)288-6174 Fax:()-	Contact Information	Phone: (503)577-4814 Fax:()-	Contact Information	Phone: (503)544-9773 Fax:()-

Ballot Titles

Subject (Provided by chief petitioners) (view complete text of Initiative)
Reduction of Gun Violence through Regulation of Semiatomatic Assault Firearms
Draft Ballot Title (view complete title received: 01/16/2020, or comments deadline: 01/31/2020)
Sale/transfer of certain semiautomatic firearms requires gun dealer, safety course, waiting period, age 21
Certified Ballot Title (view complete title and AG letter received: 02/18/2020) (appeal deadline: 03/03/2020)
Sale/transfer of certain semiautomatic firearms requires background check, safety training, age 21, waiting period
Amended Ballot Title (supreme court opinion received: 04/09/2020)
Certified Ballot Title approved without changes

Notes

12/09/2019 Prospective petition filed. To begin the ballot title drafting process, chief petitioners must submit 1,000 sponsorship signatures.
12/23/2019 Sponsorship signatures submitted for verification.
01/08/2020 Signature verification of sponsorship signatures completed. Petition contains 1,334 signatures.
03/03/2020 Appealed to Supreme Court
04/10/2020 Judgement Received from Supreme Court. Ballot Title approved with no changes.

Detailed Information For : 62/2020

Initiative Number	Date Filed	Will Pay Petitioners	Statutory/ Constitutional	Signatures Required	Approved For Circulation	Current Status	Ballot Measure Number
62	12/09/2019	No	Statutory	112,020			Not Certified

Chief Petitioner Details

Name	Walter John Knutson III	Name	Michael Z. Cahana	Name	Alcena E. Boozer
Address	4526 NE 27th Ave. Portland, OR 97211	Address	3139 SW Fairmount Blvd. Portland, OR 97239	Address	5256 NE 48th Ave. Portland, OR 97218
Contact Information	Phone: (503)288-6174 Fax:(-)-	Contact Information	Phone: (503)577-4814 Fax:(-)-	Contact Information	Phone: (503)544-9773 Fax:(-)-

Ballot Titles

Subject (Provided by chief petitioners) (view complete text of Initiative)
Reduction of Gun Violence through Prohibition of Large-Capacity Ammunition Magazines
Draft Ballot Title (view complete title received: 01/16/2020, or comments deadline: 01/31/2020)
Prohibits firearm magazines capable of holding more than 10 rounds of ammunition; provides for exceptions
Certified Ballot Title (view complete title and AG letter received: 02/18/2020) (appeal deadline: 03/03/2020)
Prohibits manufacture/purchase/transfer of firearm magazines holding over ten rounds of ammunition; provides exceptions
Amended Ballot Title (supreme court opinion received: 04/09/2020)
Certified Ballot Title approved without changes

Notes

12/09/2019 Prospective petition filed. To begin the ballot title drafting process, chief petitioners must submit 1,000 sponsorship signatures.
12/23/2019 Sponsorship signatures submitted for verification.
01/08/2020 Signature verification of sponsorship signatures completed.
03/03/2020 Appealed to Supreme Court
04/10/2020 Judgement Received from Supreme Court. Ballot Title approved with no changes.

Detailed Information For : 63/2020

Initiative Number	Date Filed	Will Pay Petitioners	Statutory/ Constitutional	Signatures Required	Approved For Circulation	Current Status	Ballot Measure Number
63	01/28/2020	Yes	Constitutional	149,360			Not Certified

Chief Petitioner Details

Name	Andrea Kennedy-Smith	Name	Reed Scott-Schwalbach		
Address	3243 NE Daffodil Drive McMinnville, OR 97128	Address	1049 SE 80th Avenue Portland, OR 97215		
Contact Information	Phone: (503)707-2434 Fax:()-	Contact Information	Phone: (503)473-9414 Fax:()-		

Ballot Titles

Subject (Provided by chief petitioners) (view complete text of Initiative)
Legislative Accountability Act I
Draft Ballot Title (view complete title received: 03/25/2020, or comments deadline: 04/08/2020)
Amends Constitution: Legislators with ten unexcused absences from floor sessions disqualified from holding next term of office
Certified Ballot Title (view complete title and AG letter received: 04/23/2020) (appeal deadline: 05/07/2020)
Amends Constitution: Legislators with ten unexcused absences from floor sessions disqualified from holding next term of office
Amended Ballot Title
No appeal filed

Notes

01/28/2020 Prospective petition filed. To begin the ballot title drafting process, chief petitioners must submit 1,000 sponsorship signatures.
03/03/2020 Sponsorship signatures submitted for verification.
03/17/2020 Signature verification of sponsorship signatures completed. Petition contains 1,367 signatures.

Detailed Information For : 64/2020

Initiative Number	Date Filed	Will Pay Petitioners	Statutory/ Constitutional	Signatures Required	Approved For	Current Status	Ballot Measure
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					Circulation		Number
64	01/28/2020	Yes	Statutory	112,020			Not Certified

Chief Petitioner Details

Name	Andrea Kennedy-Smith	Name	Reed Scott-Schwalbach		
Address	3243 NE Daffodil Drive McMinnville, OR 97128	Address	1049 SE 80th Avenue Portland, OR 97215		
Contact Information	Phone: (503)707-2434 Fax:()-	Contact Information	Phone: (503)473-9414 Fax:()-		

Ballot Titles

Subject (Provided by chief petitioners) (view complete text of Initiative)
Legislative Accountability Act II
Draft Ballot Title (view complete title received: 03/25/2020, or comments deadline: 04/08/2020)
Legislator absent without permission during legislative session must pay fine, forgo salary and other compensation
Certified Ballot Title (view complete title and AG letter received: 04/23/2020) (appeal deadline: 05/07/2020)
Legislator absent without permission during legislative session must pay fine, forgo salary and other compensation
Amended Ballot Title
No appeal filed

Notes

01/28/2020 Prospective petition filed. To begin the ballot title drafting process, chief petitioners must submit 1,000 sponsorship signatures.
03/03/2020 Sponsorship signatures submitted for verification.
03/17/2020 Signature verification of sponsorship signatures completed. Petition contains 1,375 signatures.

Detailed Information For : 65/2020

Initiative Number	Date Filed	Will Pay Petitioners	Statutory/ Constitutional	Signatures Required	Approved For Circulation	Current Status	Ballot Measure Number
65	01/30/2020	Yes	Constitutional	149,360			Not Certified

Chief Petitioner Details

Name	Bruce Studer	Name	Matt Rossman		
Address	5863 Sun creek Drive Lake Oswego, OR 97034	Address	16950 Alder Cir Lake Oswego, OR 97034		
Contact Information	Phone: (503)539-5851 Fax:()-	Contact Information	Phone: (503)317-0757 Fax:()-		

Ballot Titles

Subject (Provided by chief petitioners) (view complete text of Initiative)
Funding For Schools And Homelessness Taxpaying Casino Act (Part I)
Draft Ballot Title (view complete title received: 03/27/2020, or comments deadline: 04/10/2020)
Amends Constitution: Permits operation of privately-owned casinos; 25% of adjusted gross revenues paid to State
Certified Ballot Title (view complete title and AG letter received: 04/27/2020) (appeal deadline: 05/11/2020)
Amends Constitution: Permits operation of privately-owned casinos; 25% of adjusted gross revenues paid to State
Amended Ballot Title
No appeal filed

Notes

1/30/2020 Prospective petition filed. To begin the ballot title drafting process, chief petitioners must submit 1,000 sponsorship signatures.
03/02/2020 Sponsorship signatures submitted for verification.
03/19/2020 Signature verification of sponsorship signatures completed. Petition contains 1,146 signatures.

Detailed Information For : 66/2020

Initiative Number	Date Filed	Will Pay Petitioners	Statutory/ Constitutional	Signatures Required	Approved For Circulation	Current Status	Ballot Measure Number
66	01/30/2020	Yes	Statutory	112,020			Not Certified

Chief Petitioner Details

Name	Bruce Studer	Name	Matt Rossman		
Address	5863 Sun creek Drive Lake Oswego, OR 97035	Address	16950 Alder Cir Lake Oswego, OR 97034		

Contact Information	Phone: (503)539-5851 Fax:()-	Contact Information	Phone: (503)317-0757 Fax:()-		
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Ballot Titles

Subject (Provided by chief petitioners) (view complete text of Initiative)
Funding For Schools And Homelessness Taxpaying Casino Act (Part II)
Draft Ballot Title (view complete title received: 03/27/2020, or comments deadline: 04/10/2020)
Permits privately-owned casino in Wood Village, Oregon; 25% adjusted gross revenues paid to State
Certified Ballot Title (view complete title and AG letter received: 04/27/2020) (appeal deadline: 05/11/2020)
Permits privately-owned casino in Wood Village, Oregon; 25% adjusted gross revenues paid to State
Amended Ballot Title
No appeal filed

Notes

01/30/2020 Prospective petition filed. To begin the ballot title drafting process, chief petitioners must submit 1,000 sponsorship signatures.
03/02/2020 Sponsorship signatures submitted for verification.
03/19/2020 Signature verification of sponsorship signatures completed. Petition contains 1,193 signatures.

Detailed Information For : 67/2020

Initiative Number	Date Filed	Will Pay Petitioners	Statutory/ Constitutional	Signatures Required	Approved For Circulation	Current Status	Ballot Measure Number
67	02/20/2020	Yes	Constitutional	149,360			Not Certified

Chief Petitioner Details

Name	Jeff Kropf	Name	Mike Pihl		
Address	124 West 2nd Street #107 Halsey, OR 97348	Address	57645 Nehalem Hwy. South Vernonia, OR 97064		
Contact Information	Phone: (541)729-6229 Fax:()-	Contact Information	Phone: (503)789-1268 Fax:()-		

Ballot Titles

Subject (Provided by chief petitioners) (view complete text of Initiative)
--

Stop the Short Session Overreach

Draft Ballot Title

** No Draft Ballot Title Found **

Certified Ballot Title

** No Certified Ballot Title Found **

Amended Ballot Title

Notes

02/20/2020 Prospective petition filed. To begin the ballot title drafting process, chief petitioners must submit 1,000 sponsorship signatures.

Detailed Information For : 68/2020

Initiative Number	Date Filed	Will Pay Petitioners	Statutory/ Constitutional	Signatures Required	Approved For Circulation	Current Status	Ballot Measure Number
68	03/13/2020	No	Constitutional	149,360			Not Certified

Chief Petitioner Details

Name	Greg Wasson				
Address	PO Box 2333 Salem, OR 97301				
Contact Information	Phone: (503)371-6614 Fax:()-				

Ballot Titles

Subject (Provided by chief petitioners) (view [complete text](#) of Initiative)

Restore the Peoples' Power Act of 2020

Draft Ballot Title

** No Draft Ballot Title Found **

Certified Ballot Title

** No Certified Ballot Title Found **

Amended Ballot Title

Notes

03/13/2020 Prospective petition filed. To begin the ballot title drafting process, chief petitioners must submit 1,000 sponsorship signatures.

Detailed Information For : 301/2020

Initiative Number	Date Filed	Will Pay Petitioners	Statutory/ Constitutional	Signatures Required	Approved For Circulation	Current Status	Ballot Measure Number
301	05/30/2019	Yes	Statutory	74,680	06/03/2019	Withdrawn	Not Certified

Chief Petitioner Details

Name	Marie Bowers	Name	Jordan Orht		
Address	92514 N Coburg Road Eugene, OR 97408	Address	885 E Virginia Street Stayton, OR 97383		
Contact Information	Phone: (541)914-0613 Fax:()-	Contact Information	Phone: (503)910-9219 Fax:()-		

Ballot Titles

Subject (Provided by chief petitioners) (view complete text of Referendum)
Keep Oregon Affordable
Draft Ballot Title
** No Draft Ballot Title Found **
Certified Ballot Title
** No Certified Ballot Title Found **
Amended Ballot Title

Notes

Portions of HB 3427
Signatures must be filed no later than September 27, 2019.
06/03/2019 Approved to circulate on pastel pink paper stock for any petition sheet that will be circulated by paid circulators.
08/19/2019 Withdrawn by Chief Petitioners.

Detailed Information For : 302/2020

Initiative Number	Date Filed	Will Pay Petitioners	Statutory/ Constitutional	Signatures Required	Approved For Circulation	Current Status	Ballot Measure Number
302	06/20/2019	No	Statutory	74,680			Not Certified

Detailed Display of records
Chief Petitioner Details

Name	Greg Wasson				
Address	PO Box 2333 Salem, OR 97308				
Contact Information	Phone: (503)371-6614 Fax:()-				

Ballot Titles

Subject (Provided by chief petitioners) (view complete text of Referendum)
Protect Local Control - Stop State Preemption
Draft Ballot Title
** No Draft Ballot Title Found **
Certified Ballot Title
** No Certified Ballot Title Found **
Amended Ballot Title

Notes

Portions of HB 3427
Signatures must be filed no later than September 27, 2019.
Signatures were not turned in for verification by the deadline.

Detailed Information For : 401/2020

Initiative Number	Date Filed	Will Pay Petitioners	Statutory/ Constitutional	Signatures Required	Approved For Circulation	Current Status	Ballot Measure Number
401	07/03/2019	No	Constitutional				107

Chief Petitioner Details

Ballot Titles

Subject (Provided by chief petitioners) (view complete text of Referral)
SJR 18
Draft Ballot Title
** No Draft Ballot Title Found **

Certified Ballot Title (view [complete title and AG letter](#) received: 03/10/2020)
(appeal deadline: 03/17/2020)

Amends Constitution: Allows laws limiting political campaign contributions and expenditures, requiring disclosure of political campaign contributions and expenditures, and requiring political campaign advertisements to identify who paid for them.

Amended Ballot Title (view [complete title](#) received: 07/14/2020)

Notes

November 3, 2020 General Election

Statutory ballot title process was supplanted by the Legislative Assembly's Enrolled Senate Bill 116

03/17/2020 Appealed to Supreme Court

7/10/2020 Judgement Received. Certified Ballot Title modified by Attorney General.

7/14/2020 Judgement Received. Explanatory Statement modified by Supreme Court

8/12/2020 Measure 107

Detailed Information For : 402/2020

Initiative Number	Date Filed	Will Pay Petitioners	Statutory/ Constitutional	Signatures Required	Approved For Circulation	Current Status	Ballot Measure Number
402	07/09/2019	No	Statutory				108

Chief Petitioner Details

Ballot Titles

Subject (Provided by chief petitioners) (view [complete text](#) of Referral)

HB 2270

Draft Ballot Title

** No Draft Ballot Title Found **

Certified Ballot Title (view [complete title and AG letter](#) received: 03/10/2020)
(appeal deadline: 03/17/2020)

Increases cigarette and cigar taxes. Establishes tax on e-cigarettes and nicotine vaping devices. Funds health programs.

Amended Ballot Title

No appeal filed

Notes

November 3, 2020 General Election
Statutory ballot title process was supplanted by the Legislative Assembly's Enrolled Senate Bill 116
8/12/2020 Measure 108

END OF SEARCH[Elections Division Home Page](#)

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EXHIBIT L

IN THE SUPREME COURT OF THE STATE OF OREGON

BECCA UHERBELAU,

Petitioner,

v.

ELLEN ROSENBLUM, Attorney
General, State of Oregon,

Respondent.

No. S067451

**[AMENDED] PETITION TO
REVIEW BALLOT TITLE
CERTIFIED BY THE
ATTORNEY GENERAL FOR
INITIATIVE PETITION 57
(2020)**

Petition to Review Ballot Title for Initiative Petition 57 for the General Election of November 3, 2020.

Ballot title certified by the Attorney General on January 30, 2020.

Chief Petitioners:

C. Norman Turrill
3483 SW Patton Rd.
Portland, OR 97201

Sharon K. Waterman
87518 Davis Creek Ln
Bandon, OR 97411

Steven C. Berman, OSB No. 951769
Stoll Stoll Berne Lokting
& Shlachter, P.C.
209 SW Oak Street, Suite 500
Portland, Oregon 97204
Telephone: (503) 227-1600
Facsimile: (503) 227-6840
Email: sberman@stollberne.com

**Attorneys for Petitioner
Becca Uherbelau**

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1162 Court Street, N.E.
Salem, Oregon 97301-4096
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Email: ellen.f.rosenblum@doj.state.or.us

Attorneys for Respondent

I. PETITIONER’S INTEREST IN THIS MATTER

Becca Uherbelau seeks review of the certified ballot title for Initiative Petition 57 for the General Election of November 3, 2020 (“IP 57”). Ms. Uherbelau is an Oregon elector who filed timely comments concerning the draft ballot title pursuant to ORS 250.067(1).¹ Ms. Uherbelau respectfully submits that the caption, result of yes statement and summary do not comply with the requirements of ORS 250.035(2) and are inconsistent with the court’s recent decisions in *Fletchall v. Rosenblum*, 365 Or 98, 442 P3d 193 (2019) (“*Fletchall I*”); and *Fletchall v. Rosenblum*, 365 Or 527, 448 P3d 634 (2019) (“*Fletchall II*”). The ballot title fails to convey that the initiative will create a redistricting commission and process that is disproportionately weighted to the benefit of one political party to the detriment of all other political parties and unaffiliated voters, and that would exclude many Oregonians.

II. BACKGROUND

Article IV, section 6 of the Oregon Constitution requires the Oregon Legislature to conduct redistricting of Oregon House and Senate seats following each decennial census. Article IV, § 6(1). *See also Fletchall I*, 365 Or at 100 (discussing current redistricting process). Article IV, section 7 provides that

¹A copy of IP 57 is attached as Exhibit 1. A copy of the draft ballot title is attached as Exhibit 2. A copy of Ms. Uherbelau’s comments filed with the Secretary of State regarding the draft ballot title is attached as Exhibit 3. A copy of the Attorney General’s letter addressing the comments received regarding the draft ballot title is attached as Exhibit 4. A copy of the certified ballot title is attached as Exhibit 5.

state Senate and House districts shall be contiguous.² The legislature has established additional criteria for legislative apportionment. *See* ORS 188.010 (setting forth criteria). No provision of the Oregon Constitution addresses congressional redistricting. Redistricting of congressional seats is conducted by the legislature following each decennial census. ORS 188.125.

III. INITIAITVE PETITION 57

IP 57 repeals and replaces Article IV, section 6 and Article IV, section 7 of the Oregon Constitution. IP 57, ¶ 1.

The initiative's new Article IV, section 6 establishes a twelve member "Citizen Redistricting Commission."³ IP 57, § 6(1). Four of those commissioners would be Republicans, four would be Democrats and four would be neither Republicans nor Democrats. IP 57, §§ (6), (7).

The new Article IV, section 6 sets stringent requirements for commissioners. Commissioners must be: (a) registered voters in Oregon; (b) have been Oregon residents for at least three years (or have voted in two of the three most recent general elections); and, (c) have been members of the same political party, or unaffiliated with any party, for the previous three years. IP 57, § 6(3)(b). The initiative thereby excludes from participating as a commissioner any Oregon resident who is not a citizen, any Oregon resident

²The requirement in Article IV, section 7 that districts be drawn along county lines is unenforceable. *Hartung v. Bradbury*, 332 Or 570, 582, 33 P3d 972 (2001). The requirement that districts be contiguous remains enforceable.

³IP 57 runs over eleven pages and contains multiple sections and subsections. This petition addresses only those provisions relevant to Ms. Uherbelau's objections to the certified ballot title. IP 57 is discussed in detail in Ms. Uherbelau's comments on the draft ballot title. *See* Ex. 2 at 2-5.

under 19, recently naturalized citizens, newer Oregon residents, any Oregonian who has recently changed political affiliation, and any Oregon resident who has been eligible to vote but only recently registered. Subsection 6(3) also automatically disqualifies many other Oregon citizens from participation on the commission, including:

- Any current or recent elected official, officer or employee of a political party, contractor or staff of a state or federal candidate campaign committee, member of a political party central committee, lobbyist, and paid staff or paid contractors to a federal or state office holder.
- Any individual who contributed \$2,700 or more to any single candidate in a year within the prior four years.
- The spouse, parent, child, sibling, in-law or “cohabitating member” of any of those individuals.

IP 57, §§ 6(3)(c)(A)-(J). In other words, an individual may be disqualified from becoming a commissioner because of the actions or activities of that person’s family member or roommate.

A review panel of three Administrative Law Judges screens commissioner applicants to create a pool of 150 qualified potential commissioners: 50 Democrats, 50 Republicans and 50 who are neither Democrats nor Republicans. IP 57, §§ 6(4), (5). Six commissioners – two Democrats, two Republicans, two neither Democrat nor Republican – would be randomly selected from that pool. IP 57, § 6(6). Those six randomly selected commissioners would then choose the other six commissioners from the

qualified applicant pool, again with two being Democrats, two Republicans and two neither Democrats nor Republicans. IP 57, § 6(7).⁴

The new Article IV, Section 7 created by the initiative sets specific criteria the commission must follow for establishing legislative and congressional districts. While those criteria are somewhat similar to existing statutory criteria, the initiative adds a requirement that districts must “achieve competitiveness.” “Competitiveness” is obtusely defined; but the concept appears to be the percentage of elected legislators or congresspeople from any party should correspond to the percentage of the population affiliated with such party. IP 57, § 7(4)(d)(B). And the criteria imposed by the initiative de-emphasize the statutory requirement that districts not divide communities of interest. *Compare* ORS 188.010(1)(d) *with* IP 57, § 7(4)(a)(D).

IV. PRIOR REDISTRICTING DECISIONS THIS ELECTION CYCLE

The court’s *Fletcher* decisions provide meaningful guidance here. As with IP 57, Initiative Petition 5 (2020) would have repealed Article IV, section 6 and established a new redistricting commission to conduct legislative redistricting. (IP 5 did not address congressional redistricting or Article IV, section 7). And, as with IP 57, IP 5 also disproportionately weighted representation on the committee so membership would not correspond proportionately to population. For IP 5, that weighting would have benefitted rural areas of the state to the detriment of the more populous areas of the state.

⁴Despite aspirational “diversity” language in subsection 6(5), there is nothing in the initiative to prevent the entire commission from being comprised entirely of wealthy, middle-aged white men from Portland.

For IP 57 that weighting would benefit Republicans to the detriment of Democrats, voters registered with minor political parties and unaffiliated voters.

In *Fletchall I*, the court determined that the composition of a new commission that will conduct redistricting – and whether representation on that entity is strictly apportioned in accordance with population – is a major effect that must be addressed in the caption and the remainder of the ballot title.

“[W]e think that it is permissible and even necessary to highlight the fact that IP 5 transfers reapportionment – a process that, by its nature, is concerned with representation – from a body whose membership is strictly apportioned in accordance with population to one that effectively inverts that population-based apportionment, such that rural areas with fewer residents have more representatives (and, thus, more power). Put more simply, we believe that most people would view the way that membership is allocated as perhaps the most politically consequential feature.”

Fletchall I, 365 Or at 108.⁵

Following the court’s decision in *Fletchall I*, the Attorney General’s modified caption provided “shifts influence to rural over urban areas” and modified result of yes statement provided “rural, less-populated areas allocated proportionately more representation on commission.” *Fletchall II*, 365 Or at 528-529, 530 n 1. In response to objections from Ms. Uherbelau, the court found the Attorney General’s modified ballot title also was insufficient. The court recommended that the Attorney General use the phrase “membership weighted toward rural areas” for the caption and result of yes statement.

⁵See also *id.* at 110 (restating that an actual major effect that must be addressed in the ballot title is shifting redistricting authority from a body whose membership is apportioned by population to one that is not); *id.* at 111 (same for result of yes statement); *id.* at 118 (same for summary).

Id. at 530. The Attorney General incorporated that phrase into the final, certified caption and result of yes statement.

V. ARGUMENTS AND AUTHORITIES

A. The Caption and Result of Yes Statement Do Not Comply With ORS 250.035(2)(a) and (b).

ORS 250.035(2)(a) provides that a ballot title must contain a “caption of not more than 15 words that reasonably identifies the subject matter of the state measure.” As the “cornerstone” and “headline,” the caption “provides the context for the reader’s consideration of the other information in the ballot title.” *Greene v. Kulongoski*, 322 Or 169, 175, 903 P2d 366 (1995). The caption must “state or describe the proposed measure’s subject matter accurately, and in terms that will not confuse or mislead potential petition signers and voters.” *Lavey v. Kroger*, 350 Or 559, 563, 258 P3d 1194 (2011) (citations omitted; internal quotation marks omitted). ORS 250.035(2)(b) requires that the ballot title contain a “simple and understandable statement of not more than 25 words that describes the result if the state measure is approved.”

The certified caption provides:

“Repeals legislative redistricting process; creates congressional/state redistricting commission; equal number of Democrats, Republicans, others”

The phrase “equal number of Democrats, Republicans, others” is repeated in the result of yes statement. Ex. 5.

“Equal number of Democrats, Republicans, others” is misleading, inaccurate and confusing. Under IP 57, the composition of the redistricting

commission would result in unequal representation, with Republicans being over-represented compared to Democrats, unaffiliated voters and voters from minor political parties. And, “others” – such as newly registered voters and myriad individuals explicitly disqualified by the commission membership requirements in the initiative – would not be represented at all. Yet, readers of the certified caption and result of yes statement reasonably would conclude that there would be a balance on the commission – an “equal” weighting – proportionate to registration.

The Oregon electorate does not consist of an “equal” number of Democrats, Republicans, and “other” voters. As of January 2020, Oregon had 2,820,750 registered voters.⁶ Of those registered voters: 973,766 (34.5%) were registered as Democrats; 701,878 (24.9%) were registered as Republicans; and, 960,011 (34%) were unaffiliated. The remaining 185,095 voters (6.6%) were members of minor political parties, including 124,048 Independent Party voters (comprising 4.4% of the total electorate). There are significantly more Democrats than Republicans, by over 271,888, or almost 10% of all registered voters. There are also significantly more unaffiliated voters than Republicans, by over 258,133, or more than 9% of all registered voters.

As discussed above, the initiative creates a 12-person redistricting commission, comprised of four Democrats, four Republicans, and four

⁶See Oregon Secretary of State, Elections Division, *Voter Registrations by Year and Month January 2020* (dated Feb 6 2020), <https://sos.oregon.gov/elections/Documents/registration/january-2020.pdf> (accessed Feb 12, 2020) (Secretary of State’s monthly report of registered Oregon voters).

“individuals who are registered with neither of the two largest political parties in this state.” IP 57, §§ 6(6), (7). That means that Republicans, who are less than a quarter of registered voters would have a third of the seats on the commission. Unaffiliated voters and voters registered with minor political parties – who comprise a plurality of over 40% of all registered voters – would hold only a third of the seats on the commission.

“Equal number of Democrats, Republicans, others” is misleading because it does not inform voters or potential petition signers that the initiative would over-empower Republicans, the smallest of the three major blocks of voters while “others” would be wholly unrepresented. As with IP 5, this initiative would create a proportional imbalance. With IP 5, that imbalance related to rural and urban representation; here, the imbalance relates to party (and non-party) affiliation. The proportional imbalance in commission representation created by a redistricting initiative must be conveyed in the caption (and throughout the ballot title). *Fletcher I*, 365 Or at 108. The third clause fails to do so.

“Equal” also is inappropriate because “[t]he word * * * is not neutral, but rather has a normative component.” *Fletcher I*, 365 Or at 108. “Equal” is defined as “FAIR, JUST.” *Webster’s Third New Int’l Dictionary* 766 (unabridged ed 2002). As such, the word “equal” is “likely to prejudice voters” to favor the initiative. *Fletcher*, 365 Or at 108. Readers of the certified caption likely would be astounded to learn that the initiative proposes a commission that

would be the antithesis of proportional representation, which many voters and potential petition signers would consider neither “fair” nor “just.”

“Equal number of * * * others” is misleading. “Others” apparently is intended to encompass nonaffiliated voters, as well as voters registered with minor political parties. But representation will not be “equal” as between nonaffiliated voters and members of the Constitution, Independent, Libertarian, Pacific Green, Progressive and Working Parties. Because there are more minor political parties than “other” commission seats, some will have no representation whatsoever. And, under the initiative, unaffiliated voters or voters from one minor political party could occupy four commission seats. Some “others” – based on political affiliation – will be shut out of the commission entirely. Yet, a reader reasonably would conclude from the draft caption that “others” will have an “equal” voice on the commission.

“Equal number of * * * others” also is inaccurate. As discussed above, the initiative excludes many registered voters from participation on the commission, such as younger Oregonians, recently naturalized Oregonians and newer Oregon residents. The initiative also excludes individuals who actively have participated in political processes, their relatives and “cohabitating members.” Those individuals will have *no* representation on the commission. As to those Oregon citizens, representation is not just unequal, it is nonexistent.

B. The Summary Does Not Comply with the Requirements of ORS 250.035(2)(d).

ORS 250.035(2)(d) requires that the ballot title have a “concise and impartial statement of not more than 125 words summarizing the state measure

and its major effect.” The summary must “give voters enough information to understand what will happen if the initiative is adopted.” *Markley v. Rosenblum*, 362 Or 531, 541, 413 P3d 966 (2018). The summary is flawed for the reasons set forth above. Specifically, the summary fails to inform readers that the initiative “transfers reapportionment – a process that, by its nature, is concerned with representation – from a body whose membership is strictly apportioned in accordance with population to one that effectively inverts population-based apportionment,” such that Republicans, with fewer registered voters, “have more representatives (and, thus, more power).” *Fletchall I*, 365 Or at 108. The summary is flawed for two additional reasons.

- “Commission membership restricted based on * * * family members who engaged in certain political activity” is underinclusive. The initiative excludes not just immediate family members, but also in-laws and any “cohabitating member of a household.” IP 57, § 6(3)(c)(J). Readers would have no idea a person could not participate as a commissioner because of the past activity of their roommate or estranged former in-law who lives out of state (or out of the country).
- “Changes redistricting criteria” does not adequately describe the initiative’s impact on current redistricting criteria, including the initiative’s de-emphasis on the existing requirement that districts not divide communities of common interest. *See Fletchall I*, 365 Or at 112-113, 117 (initiative’s impact on current criteria set forth in ORS 188.010 should be addressed in the summary).

CONCLUSION

Ms. Uherbelau respectfully requests that the court certify to the Secretary of State a ballot title that complies with the requirements of ORS 250.035(2) in lieu of the ballot title certified by the Attorney General or, alternatively, refer the ballot title to the Attorney General for modification.

DATED this 13th day of February, 2020.

Respectfully submitted,

STOLL STOLL BERNE LOKTING &
SHLACHTER, PC

By: s/ Steven C. Berman
Steven C. Berman, OSB No. 951769

Attorneys for Petitioner Becca Uherbelau



OREGON REDISTRICTING BALLOT MEASURE
LEGISLATIVE AND CONGRESSIONAL FINDINGS

Whereas Election Day is when Oregonians exercise their right to vote and make their voice heard, and the people of Oregon need an independent commission to draw fair and impartial districts so that every vote matters; and

Whereas under current law, Oregon politicians draw the boundaries for their own state and congressional districts, a serious conflict of interest that harms voters; and

Whereas state and national level districting and redistricting rules should be determined by a politically neutral entity; and

Whereas Oregon state legislators draw district boundary maps every 10 years based on national census data; and

Whereas in the 2020 census, Oregon is projected to gain another U.S. congressional seat due to population growth, making fair districts more important than ever; and

Whereas 96.3% percent of incumbent politicians were re-elected in the districts they had drawn for themselves year after year; and

Whereas current law allows politicians to draw districts to serve their interests, not those of our communities, dividing places like Clackamas, Salem and Eugene into multiple oddly shaped districts to protect incumbent legislators; and

Whereas the people of Oregon in many communities have no political voice because they have been split into as many as four different districts to protect incumbent legislators; and

Whereas the people of Oregon believe in fairness, accountability and transparency in political processes; and

Whereas fully one in three Oregonians are not registered as either Democrats or Republicans, and have no representation in the Oregon State Assembly or United States Congress; and

Whereas Oregon legislative and congressional districts should be drawn to represent voters from all party affiliations, income levels, backgrounds, identities, and all corners of Oregon; and

Whereas voters across the country – from Arizona to California to Colorado to Michigan – have been moving to reject partisan gerrymandering, adopting reforms to make the redistricting process open and impartial so it is controlled by people, not partisan politicians; and

Whereas an independent Oregon Citizens Redistricting Commission provides a greater opportunity for under-represented communities like low-income Oregonians, persons of color, rural Oregonians and seniors to have a voice in their representation; and

Whereas the people of Oregon, find it necessary to create an independent Citizens Redistricting Commission to draw the state legislative and congressional districts in an impartial and fully transparent manner, that will promote inclusion and representation of all Oregonians; and

Whereas the people of Oregon find it necessary to reform Oregon's congressional redistricting process to account for the projected addition of a new sixth congressional seat with a fair, open, multi-partisan commission to draw districts that represent all voters; and

Whereas the people of Oregon, find it necessary to give otherwise-affiliated voters—whose voices are under-represented in the Oregon State Assembly and the United States Congress—an equal voice and vote on the commission alongside Democrats and Republicans; and

Whereas the people of Oregon, find it necessary to require the independent Citizens Redistricting Commission to draw state legislative and congressional districts based on strict, nonpartisan rules designed to ensure fair representation, and to propose reform that will take redistricting out of the partisan battles of the Oregon Legislative Assembly and guarantees redistricting will be carried out by a group of impartial Oregonians, in open public meetings, without favor to incumbents or parties, and for every aspect of this process to be open to scrutiny by the public and the press; and

Whereas the people of Oregon, find it necessary to create an independent Citizens Redistricting Commission because we believe Oregon voters should choose their representatives—representatives should not choose their voters; and now, therefore,

POLICY AND PURPOSES

PARAGRAPH 1. The Constitution of the State of Oregon is amended by repealing sections 6 and 7, Article IV, and by adopting the following new sections 6 and 7 in lieu thereof, such sections to read:

Sec. 6. (1) The Citizens Redistricting Commission is established. The commission shall consist of twelve commissioners and be created no later than March 15, 2021, and thereafter no later than December 31 in each year ending in the number zero.

(2) The Secretary of State shall adopt rules the secretary considers necessary to facilitate and assist in achieving and maintaining a maximum degree of correctness, impartiality and efficiency in administration of subsections (3) and (5) of this section by the Office of the Secretary of State.

QUALIFICATIONS, DISQUALIFICATIONS

(3)(a) By December 3, 2020, and thereafter August 15 in each year ending in the number nine, the secretary shall initiate a process for individuals to apply for membership on the commission. The process must promote a diverse and qualified applicant pool.

Qualifications

(b) An individual may serve on the commission if the individual:

(A) Is registered to vote in this state;

(B) For the three years preceding the initiation of the application process has been registered in Oregon with the same political party or unaffiliated with a political party; and

(C) Voted in at least two of the three most recent general elections or has been a resident of Oregon for at least the previous three years.

Disqualifications

(c) Notwithstanding paragraph (b) of this subsection, an individual may not serve on the commission if the individual is or, within four years of the initiation of the application process, was:

(A) A holder of or candidate for federal, state, county or other elective office for which the holder receives compensation other than for expenses;

(B) An officer, employee or paid consultant of a political party;

(C)(i) An officer, director or employee of a campaign committee of a candidate for or holder of a federal or state office; or

(ii) A paid contractor or member of the staff of a paid contractor of a campaign committee of a candidate for or holder of a federal or state office.

(D) A member of a political party central committee;

(E) A registered federal, state or local lobbyist;

(F) A paid congressional or legislative employee;

(G) A member of the staff of a holder of a federal or state office;

(H) A legislative or campaign contractor, or staff of the contractor, to a holder of a federal or state office;

(I) An individual who has contributed \$2,700 or more in a calendar year to any single candidate for federal or state office; or

(J) A spouse, parent, child, sibling, in-law or cohabitating member of a household of an individual described in subparagraphs (A) to (I) of this paragraph;

(d) For purposes of this subsection, “state office” means the office of Governor, Secretary of State, State Treasurer, Attorney General, Commissioner of the Bureau of Labor and Industries, state Senator, state Representative, judge or district attorney.

REVIEW PANEL

(4)(a) No later than December 3, 2020, and thereafter January 5 of the year ending in zero, the Chief Administrative Law Judge of the Office of Administrative Hearings or its successor agency, shall designate a Review Panel composed of three administrative law judges to review the applications identified in subsection (5)(a) of this section. Notwithstanding any state law, the chief administrative law judge shall appoint individuals who are reflective of the diversity of this state, including but not limited to racial, ethnic, geographic, and gender diversity, and who possess the most relevant qualifications, including, but not limited to, relevant legal knowledge and decision-making experience, an appreciation for the diversity of the state and an ability to be impartial and promote consensus on the review panel.

(b) The review panel shall include only administrative law judges who have been registered to vote in Oregon and continuously employed by the office of administrative hearings for at least the two years prior to their appointment, who shall be appointed as follows:

(A) One administrative law judge must have been registered for at least the previous two years with the political party with the largest registration in this state.

(B) One administrative law judge must have been registered for at least the previous two years with the political party with the second largest registration in this state;

(C) One administrative law judge must not have been registered for at least the previous two years with either of the two largest political parties in this state.

(c) An administrative law judge may not serve on the review panel if the administrative law judge is an individual described in subsection (3)(c) of this section.

APPLICANT POOL

(5)(a) No later than January 1, 2021, and thereafter March 15 in each year ending with the number zero, after removing applicants with conflicts of interest from the applicant pool as described in subsection (3)(c) of this section, the secretary shall publicize the names of the individuals in the applicant pool in a manner that ensures widespread public access and provide the applications to the review panel.

(b) If the pool of qualified applicants is greater than or equal to 900, the review panel shall randomly select by lot from all of the eligible applicants the names of 300 applicants affiliated with the largest party, 300 applicants affiliated with the second largest party and 300 applicants affiliated with neither of the two largest parties. If any individual sub-pool of eligible applicants contains fewer than 300 applicants, no random selection shall occur for that sub-pool.

(c) No later than February 8, 2021, and thereafter May 15 in each year ending in the number zero, the review panel shall present to the secretary the names of 150 individuals from the applicant pool who possess the most relevant analytical skills, have the ability to be impartial and promote consensus on the commission and demonstrate an appreciation for and are reasonably reflective of the diversity of this state, including but not limited to racial, ethnic, geographic and gender diversity.

(d) The review panel shall choose the individuals for the applicant pool by unanimous vote, with three sub-pools of applicants chosen as follows:

(A) Fifty individuals must be registered with the largest political party in this state;

(B) Fifty individuals must be registered with the second largest political party in this state; and

(C) Fifty individuals must be registered with neither of the two largest political parties in this state.

(e) If fewer than fifty qualified individuals within each sub-pool have applied, the Review Panel shall choose all of the qualified individuals within such sub-pool.

(f) The members of the review panel may not communicate with a member of the Legislative Assembly or the United States Congress, or their agents, about any matter related to the selection of commissioners prior to the presentation of the 150-member applicant pool to the secretary.

RANDOMLY-SELECTED COMMISSIONERS

(6) No later than February 15, 2021, and thereafter July 5 in each year ending in the number zero, at a time and place accessible to members of the public, the secretary shall randomly select by lot six individuals to serve on the commission from the individuals presented under subsections (5)(c) to (e) of this section as follows:

(a) Two individuals must be from the sub-pool of individuals registered with the largest political party in this state;

(b) Two individuals must be from the sub-pool of individuals registered with the second largest political party in this state; and

(c) Two individuals must be from the sub-pool of individuals who are registered with neither of the two largest political parties in this state.

COMMISSIONER-SELECTED COMMISSIONERS

(7)(a) No later than March 15, 2021, and thereafter August 15 in each year ending in the number zero, the six commissioners under subsection (6) of this section shall review the remaining names in the sub-pools and select six additional commissioners. The commissioners shall, without the use of specific ratios or formulas, select additional commissioners who possess the most relevant analytical skills, have the ability to be impartial and promote consensus on the commission and demonstrate an appreciation for and are reasonably reflective of the diversity of this state, including but not limited to racial, ethnic, geographic and gender diversity. When selecting the six additional commissioners, the commissioners may take into account the additional commissioners' experience in organizing, representing, advocating for, adjudicating the interest of or actively participating in groups, organizations or associations in Oregon. The selection shall occur as follows:

(A) Two individuals must be from the sub-pool of individuals registered with the largest political party in this state;

(B) Two individuals must be from the sub-pool of individuals registered with the second largest political party in this state; and

(C) Two individuals must be from the sub-pool of individuals who are registered with neither of the two largest political parties in this state.

(b) Approval of the six additional commissioners requires four affirmative votes of the six initial commissioners, including at least one vote cast by a commission member registered with the largest political party in this state, one vote cast by a commission member registered with the second largest political party in this state and one cast by a commission member who is registered with neither of the two largest political parties in this state.

REMOVAL

(8) The Governor may remove a member of the commission in the event of a substantial neglect of duty or gross misconduct in office, or if a commission member is unable to discharge the duties of the office.

(a) To remove a member, the Governor must:

(A) Serve the member with written notice;

(B) Provide the member with an opportunity to respond; and

(C) Obtain concurring votes from two-thirds of the members of the Senate, which shall convene in special session if necessary.

(b) The member may contest the removal by means of an evidentiary hearing in circuit court in an action in the manner of an action for a declaratory judgment. The circuit court's determination shall take precedence over other matters before the circuit court. Any party may appeal the decision of the circuit court directly to the Supreme Court, which shall accord the highest priority to the matter.

(c) The removal, if contested by the member, shall not be effective until judicial review is concluded.

VACANCY

(9)(a) If a position among the first six randomly selected commissioners on the commission becomes vacant, the commission shall fill the vacancy within 30 days by randomly selecting an appointee from the same sub-pool from which the vacating member was selected. If a position among the final six appointed commissioners becomes vacant, the commission shall fill the vacancy within 30 days by a vote of a simple majority of the remaining commissioners, with at least one commissioner affiliated with each of the two largest political parties in this state and one cast by a commissioner who is registered with neither of the two largest political parties in this state.

(b) If no individual in the applicable sub-pool is available to serve, the review panel shall establish a new sub-pool as provided in subsection (5)(d) of this section, and the commission shall fill the vacancy from the new sub-pool.

HIRING; COMPENSATION; REIMBURSEMENT

(10)(a) The commission shall make all purchasing and hiring decisions and shall hire commission staff, legal counsel and consultants as needed. The commission shall establish clear criteria for the hiring and removal of individuals, conflicts of interest, communication protocols and a code of conduct. A member of the staff or a contractor of the commission or the secretary may not serve the commission or the review panel designated under subsection (4) of this section if the staff member or contractor is an individual described in subsection (3)(c) of this section other than by virtue of the individual being an employee or contractor of the secretary.

(b) The secretary shall provide staff and office support to the commission and the commission staff as needed.

(c)(A) For each day a member is engaged in the business of the commission, the member shall be compensated at a rate equivalent to the amount fixed for per diem allowance that is authorized by the United States Internal Revenue Service to be excluded from gross income without itemization.

(B) For each day a member of the review panel or a member of the commission is engaged in the business of the commission, the member shall receive mileage and reimbursement for other reasonable travel expenses.

(d)(A) An employer may not discharge, threaten to discharge, intimidate, coerce or retaliate against any employee by reason of the employee's service as a commissioner or staff of commission.

(B) If the employment of a member of the commission is interrupted because of the performance of official duties as a member of the commission, the member's employer shall restore the member to the employment status the member would have enjoyed if the member had continued in employment during the performance of the official duties.

(C) Subparagraph (B) of this paragraph does not apply if the employer is a small business. As used in this subparagraph, "small business" means an independent business with fewer than 20 employees and with average annual gross receipts over the last three years not exceeding \$1 million for construction firms and \$300,000 for nonconstruction firms. "Small business" does not include a subsidiary or parent company belonging to a group of firms that are owned and controlled by the same individuals and that have average aggregate annual gross receipts in excess of \$1 million for construction firms or \$300,000 for nonconstruction firms over the last three years.

(D) Prior to the initiation of the process for individuals to apply for membership on the commission in each year ending with the number nine, the dollar amounts specified in subparagraph (C) of this paragraph shall be increased or decreased by the secretary based upon any increase or decrease in the Consumer Price Index for All Urban Consumers, West Region (All Items), as published by the Bureau of Labor Statistics of the United States Department of Labor or its successor during the preceding 10-year period. The amount determined under this subparagraph shall be rounded to the nearest \$1,000.

TERM OF SERVICE

(11)(a) Commissioners shall serve a term of office that expires upon the appointment of the first member of the succeeding commission. Other than activities expressly authorized by this section and section 7 of this Article, the commission shall only expend funds if there is active litigation or other ongoing commission business.

(b) During the term of office of the commissioners or for a period of three years after resignation or removal, a member of the commission may not:

(A) Hold, or be a candidate for, federal, state, county or other elective office for which the holder receives compensation other than expenses;

(B) Serve in an office for which the holder is appointed or selected by the Legislative Assembly or Congress or a member, committee or house of the Legislative Assembly or Congress;

(C) Receive compensation for serving as a consultant or advisor to a candidate for the Legislative Assembly or Congress or to a member, or committee or house of the Legislative Assembly or Congress; or

(D) Receive compensation for lobbying the Legislative Assembly or Congress.

BUDGET; DATABASE

(12) The Legislative Assembly shall:

(a) Appropriate the funds necessary to permit the commission to fulfill the commission's obligations. For the first year of the redistricting process, the Legislative Assembly shall dedicate funds

for the commission from general tax revenues otherwise available for the operation of the Legislative Assembly. For the first year of the redistricting process, the Legislative Assembly shall appropriate or allocate funds to the commission in an amount not less than the Legislative Assembly appropriates or allocates to the legislative branch for redistricting in the 2019 – 21 biennium. In all future redistricting cycles, the appropriation may not be less than the amount appropriated in the previous redistricting cycle. If new expenditures are required, the dedicated funding source for the commission shall be the income tax. If, after the conclusion of any litigation involving the redistricting, the appropriations to the commission exceed the expenses of the commission, the commission shall return the excess to the General Fund.

(b) Make available a complete and accurate computerized database and precinct shapefiles, for redistricting to the commission.

(13) Except for an Act appropriating monies in a manner described in subsection (12) of this section, the Legislative Assembly may enact an Act that directly impacts the functioning of the commission only when:

(a) The commission recommends by a vote meeting the requirements set forth in paragraph (c) of subsection (2) of section 7 of this Article that the Legislative Assembly enact an Act in order to enhance the ability of the commission to carry out the purposes of the commission;

(b) The commission provides language for the Act to the Legislative Assembly; and

(c) The Legislative Assembly enacts the exact language provided under paragraph (b) of this subsection.

Sec. 7. (1) The Citizens Redistricting Commission shall:

(a) Conduct an open and transparent process enabling full public participation, including public consideration of and comment on the drawing of state legislative and congressional district lines.

(b) Draw district lines according to the redistricting criteria specified in this section.

(c) Conduct all business of the commission with integrity, impartiality and fairness in a manner that reinforces public confidence in the integrity of the redistricting process, including adopting rules that further these purposes.

QUORUM; CHAIR; VOTING

(2)(a) Seven commissioners constitutes a quorum for the conduct of business.

(b) The commission shall select, by a majority vote, one member to serve as chair and one member to serve as vice chair. The chair and vice chair may not be of the same political affiliation.

(c) Official action by the commission requires an affirmative vote by seven or more commissioners.

(d) Approval of the final redistricting maps described in subsection (6) of this section requires seven or more affirmative votes, including at least one vote cast by a commission member registered with the largest political party in this state, one vote cast by a commission member registered with the second

largest political party in this state and one cast by a member who is registered with neither of the two largest political parties in this state.

(e) No more than three commissioners may discuss the business of the commission other than in a public meeting.

TRANSPARENCY; PUBLIC INPUT

(3)(a) The commission shall provide at least 14 days' public notice for each meeting or hearing, except that meetings held within 15 days of August 15, in the year ending in the number one may be held with three days' notice. In the event that the commission must re-convene following a court order according to subsection (7)(d) of this section, meetings and hearings may be held with three days' notice.

(b)(A) The records of the commission pertaining to redistricting and all data considered by the commission in redistricting are public records.

(B) The commission must post records and data in a manner that ensures immediate and widespread public access.

(c) A member of the commission or commission staff or commission consultant may not communicate with an individual who is not a member of the commission or commission staff or commission consultant about redistricting other than in a public hearing. Any written communications regarding redistricting received by a member of the commission or commission staff or a commission consultant shall be considered a public record and shall be made available in a manner that ensures widespread public access.

MAPPING CRITERIA

(4)(a) The commission shall use a mapping process to establish districts for the state Senate and House of Representatives and congressional districts, using the following criteria, to:

(A) Comply with provisions of the United States Constitution and the federal Voting Rights Act (42 U.S.C. 1971 et seq.) or its successor law.

(B) Achieve population equality as nearly as practicable using the total population of Oregon as determined by the decennial census preceding the redistricting process.

(C) Be geographically contiguous.

(D) To the extent practicable, and if possible without conflicting with the criteria set forth in subparagraphs (A), (B) and (C) of this paragraph, respect the geographic integrity and minimize the division of a city, county, local neighborhood, government jurisdiction or community of interest or other contiguous population that shares common social and economic interests and is cohesive for purposes of its effective and fair representation.

(E) To the extent practicable, and if possible without conflicting with the criteria set forth in subparagraphs (A), (B) and (C) of this paragraph, achieve competitiveness.

(b) The commission shall determine and adopt a measure or measures of competitiveness, as defined in paragraph (d) of this subsection, prior to any vote or discussion regarding any legislative or

congressional district plans or proposals. The commission shall then apply such measure or measures when adopting legislative or congressional district plans or proposals.

(c) When establishing districts under this subsection, the commission may not:

(A) Consider the place of residence of a holder of or candidate for public office;

(B) Favor or discriminate against a holder of or candidate for public office or a political party; or

(C) Create a district for the purpose of or with the effect of diluting the voting strength of any language or ethnic identity group.

(d) As used in this subsection:

(A) Common social and economic interests are those common to an urban area, a rural area, an industrial area or an agricultural area and those common to areas in which individuals share similar living standards, use the same transportation facilities, reside in the same watershed, have similar work opportunities or have access to the same media of communication relevant to the election process. Common social and economic interests do not include relationships with political parties, incumbents or political candidates.

(B) Competitiveness means that voting blocs, including partisan and non-affiliated voters, must be substantially and similarly able to translate their popular support into representation in an elected body and that such representation is substantially and similarly reflective of shifts in the electorate's preferences.

HEARINGS

(5)(a) The commission shall hold at least 10 public hearings at locations throughout the state prior to proposing a redistricting plan.

(b) In addition to the hearings required under paragraph (a) of this subsection, the commission shall:

(A) Hold at least five public hearings after a redistricting plan is proposed, but before the plan is adopted; and

(B) Conduct the hearings required under this subsection in each congressional district of this state, specifically at least one hearing in each of Oregon's regions, including coastal, Portland, Willamette Valley, southern, central, and east of the Cascades.

(c) The adoption of a redistricting plan may not be delayed by the impracticability of holding one or more of the hearings required under this subsection.

(d) In holding the hearings required under paragraphs (a) and (b) of this subsection, the commission must:

(A) Provide appropriate public notice of the time and location of each hearing in a manner that ensures widespread public access;

(B) Hold at least one hearing required under paragraph (a) of this subsection and one hearing required under paragraph (b) of this subsection in areas that have experienced the largest shifts in population since the previous redistricting and prioritize holding additional public hearings in these areas; and

(C) Permit and make provision for individuals at remote sites throughout the state to provide public testimony at the hearings through the use of video technology.

ADOPTION OF FINAL MAPS – TIMING, REPORT

(6)(a) No later than August 15 in each year ending in the number one, the commission shall approve final maps that separately set forth the district boundary lines for congressional districts and district boundary lines for the Senate and the House of Representatives.

(b) The commission shall issue, with the final maps, a report that includes an explanation of the basis on which the commission established the districts, responded to public input, and achieved compliance with the criteria listed in subsection (4) of this section and definitions of the terms and standards used in drawing each final map.

(c) If the commission does not approve a final map under subsection (2) of this section, any group of four or more commissioners including at least one commissioner from each sub-pool may submit a map to the Supreme Court by August 29.

COURT REVIEW

(7)(a) The Supreme Court shall adopt rules of procedure for review of redistricting maps. The Supreme Court's review shall take precedence over other matters before the Supreme Court.

(b) Any voter registered in this state may file with the Supreme Court a petition for review of final maps approved by the commission. The petition must be filed on or before September 1.

(c) If the Supreme Court determines that a map approved by the commission under subsection (6)(a) of this section substantially complies with the criteria set forth in subsection (4) of this section, the Supreme Court shall approve the map, which shall go into effect.

(d) If the Supreme Court determines a map approved by the commission under subsection (6)(a) of this section does not substantially comply with the criteria set forth in subsection (4) of this section, the Supreme Court shall remand the map to the commission for correction. The commission shall submit a corrected map within 14 days of the issuance of the remand. If the Supreme Court approves the corrected map, the corrected map shall go into effect. If the Supreme Court does not approve the corrected map, the Supreme Court shall remand the map to the commission for correction. The process of correction and approval or remand shall repeat until the Supreme Court approves a corrected map.

(e) To assist the Supreme Court in reviewing maps, the Supreme Court may appoint a special master and vest the special master with the powers needed to assist the Supreme Court. The powers of the special master shall not include the development of alternative maps.

(f) If one or more maps are submitted under subsection (6)(c) of this section, the Supreme Court shall:

(A) Establish a process for interested persons to become parties;

(B) Review all submitted maps for compliance with the criteria set forth in subsection (4) of this section; and

(C) Select the submitted map that best complies with the criteria set forth in subsection (4) of this section.

(g) The map selected by the Supreme Court shall go into effect without any further action by the commission.

(h) The Supreme Court must complete review or selection of redistricting maps by December 31 of the year in which the maps are due to be certified by the commission under subsection (6) of this section.

(i) Notwithstanding any other law, the Supreme Court has original and exclusive jurisdiction in all proceedings in which a certified final map is challenged.

SUPERSEDEDENCE, SEVERABILITY

(8) The provisions of this amendment supersede any section of this Constitution with which the provision may conflict. If any provision of this amendment is held to be invalid, the court shall sever the provision and the remaining provisions shall remain in full force and effect.



DRAFT BALLOT TITLE

Amends Constitution: Repeals legislative redistricting process; creates congressional/state redistricting commission; equal representation of Democrats, Republicans, others

Result of “Yes” Vote: “Yes” vote repeals constitutional provision requiring state legislative redistricting by legislature; creates commission to draw congressional/state legislative districts; equal representation of Democrats, Republicans, others.

Result of “No” Vote: “No” vote retains the current redistricting process, in which the legislature draws the boundaries of congressional and state legislative districts; maintains constitutional provision.

Summary: Amends Constitution. Oregon Constitution requires legislature to reapportion state legislative districts every ten years. Legislature also draws congressional districts. Measure repeals current state constitutional/legislative processes; creates twelve-member commission to draw both congressional and state legislative districts; specific requirements for membership. Secretary of State randomly selects first six members from applicant group; other members chosen by first six. One-third of members must be registered with each of largest two political parties, one-third unaffiliated or from other parties. District lines drawn according to specific redistricting criteria. At least one member from each group must agree for commission to approve map or take other action. Measure requires commission to achieve “competitiveness” (defined) to extent practicable; prohibits considering the residence of incumbents/candidates. Other provisions.



Stoll Berne



Steven C. Berman
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January 14, 2020

VIA EMAIL

Bev Clarno
Secretary of State
255 Capitol Street NE, Suite 501
Salem, OR 97310

Re: Initiative Petition 57 for the General Election of November 3, 2020: Comments
Regarding Draft Ballot Title

Dear Secretary Clarno:

I represent Becca Uherbelau regarding the ballot title for Initiative Petition 57 for the General Election of November 3, 2020 ("IP 57"). Ms. Uherbelau is an Oregon elector and the Executive Director of Our Oregon. This letter is written in response to your office's December 30, 2019 public notice inviting comments on the draft ballot title for IP 57. Ms. Uherbelau respectfully submits that the caption, results statements and summary for the draft ballot title for IP 57 do not substantially comply with ORS 250.035(2). The predominant flaw with the title is the repeated statement that the redistricting committee created by the initiative would have "equal representation of Democrats, Republicans, others" when, in fact, the initiative would disproportionately weight representation in favor of Republicans and exclude many Oregonians. There are myriad other flaws with the ballot title, as set forth below.

Ms. Uherbelau sympathizes with the Attorney General for the challenging task she faces in preparing a ballot title for as sweeping a proposal as IP 57. Ms. Uherbelau provides these comments to assist the Attorney General in drafting a title that complies with the requirements of ORS 250.035(2).

I. Current Law

IP 57 would repeal the existing provisions in the Oregon Constitution addressing legislative districts and legislative redistricting. IP 57 would create two new constitutional provisions addressing district criteria and redistricting for both legislative and congressional seats.

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Article IV, section 6 is the provision of the Oregon Constitution that addresses legislative redistricting. Under Article IV, section 6, in the first legislative session after the decennial federal census, the Oregon Legislature must redistrict Oregon House and Senate districts. Article IV, § 6(1). The governor may veto the legislative redistricting plan passed by the legislature. *Hartung v. Bradbury*, 332 Or 570, 581 (2001). If the legislature fails to enact a redistricting plan, or the governor vetoes the legislature's proposed plan, the task of redistricting falls to the Secretary of State. Article IV, § 6(3)(a). The Oregon Supreme Court has original jurisdiction to review a redistricting plan approved by the legislature or the Secretary of State, if an elector files a timely petition for review. *Id.* at §§ 6(2)(a), 6(3)(b). If the Court determines that the plan is inadequate, the plan is returned to the Secretary of State for modification. *Id.* at §§ 6(2)(c), 6(3)(d). The modified plan is then sent to the Supreme Court, which either approves the plan or further modifies it, as the Court deems necessary. *Id.* at §§ 6(2)(d), 6(3)(e).

The legislature also has established criteria for apportionment. As relevant here, ORS 188.010(1)(d) provides: "Each district, as nearly as practicable, shall . . . Not divide communities of common interest."

Article IV, section 7 provides that when state Senate districts are comprised of more than one county, the counties in the district shall be contiguous, and that no county may be divided when creating such districts. Article IV, section 7 further provides that state Senate and House districts comprising less than one county may be divided into contiguous subdistricts. Article IV, section 7 was part of the Oregon Constitution as adopted in 1859; the provisions regarding subdistricts were adopted by the voters at the November 1954 general election, pursuant to a legislative referral. The Oregon Supreme Court has concluded that the requirement in Article IV, section 7 that districts be drawn along county lines is unenforceable because it conflicts with the one-person, one-vote principle embedded in the Fourteenth Amendment to the United States Constitution. *Hartung*, 332 Or at 582. However, the requirement that districts be contiguous remains enforceable.

No provision of the Oregon Constitution addresses congressional district criteria or redistricting. Redistricting of congressional seats is conducted by the legislature following each decennial census. Any elector may file a case requesting congressional apportionment if the legislature does not adopt a plan by July 1 of the year following the census, or if the Governor vetoes the legislature's plan. Oregon law calls for a special panel of judges to consider any such challenge. ORS 188.125. Congressional redistricting also can be challenged in federal court for violating federal law or the United States Constitution.

II. Initiative Petition 57

IP 57 would dramatically revise legislative districts and redistricting and add new constitutional requirements regarding congressional districts and redistricting.

As a preliminary matter, IP 57 would wholly repeal Article IV, section 6 and Article IV, section 7. *See* IP 57, "Paragraph 1." IP 57 would then add two new constitutional provisions that would establish a complex process for selecting and appointing a redistricting commission not subject to meaningful legislative or judicial oversight. That commission would adopt both legislative and congressional redistricting maps pursuant to criteria set by the initiative.

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A. New Article IV, Section 6 Under the Initiative.

IP 57 runs over twelve pages and contains multiple sections and subsections. The initiative opens with a page and a half of recitals, which have no legal import. After repealing Article IV, sections 6 and 7, the initiative enacts a new Article IV, section 6 comprised of 13 subsections.

Subsection 6(1) establishes a “Citizen Redistricting Commission,” consisting of twelve members that must be created no later than March 15, 2021 and then no later than December 31 of the first year of each subsequent decade. The remainder of new Article IV, section 6 addresses the composition of the “Citizen Redistricting Commission,” how commissioners are selected, and the administration of the commission.

Subsection 6(2) empowers the Secretary of State with rulemaking authority to adopt rules regarding the qualification and appointment of applicants to become commissioners.

Subsection 6(3) sets stringent requirements that a person who wants to become a commissioner must meet. Commissioners must be: (a) registered voters in Oregon; (b) have been Oregon residents for at least three years (or have voted in two of the three most recent general elections); and, (c) have been members of the same political party, or unaffiliated with any party, for the previous three years. The initiative thereby excludes from participating as a commissioner any Oregon resident who is not a citizen, any Oregon resident under 19, recently naturalized citizens, newer Oregon residents, any Oregonian who has recently changed political affiliation, and any Oregon resident who has been eligible to vote but only recently registered. Subsection 6(3) also automatically disqualifies many other Oregon citizens. Those include: any current or recent elected official; any current or recent officer or employee of a political party; any current or recent contractor or staff of a state or federal candidate campaign committee; any current or recent member of a political party central committee; any current or recent paid staff or paid contractor to a federal or state office holder; any individual who contributed \$2,700 or more to any single candidate in a year; *or*, the spouse, parent, child, sibling, in-law or cohabitating member of any of those individuals. In other words, an individual may be disqualified from becoming a commissioner because of the actions or activities of that person’s family member, even if the person has no meaningful relationship with that family member. Subsection 6(3) effectively excludes from the commission Oregonians who have been active and civically engaged in democracy and their communities.

Subsection 6(4) creates a review panel of three Administrative Law Judges (one Democrat, one Republican, one neither Democrat nor Republican) to review the qualified pool of applicants for the redistricting commission. The Administrative Law Judges are subject to the same extensive disqualification criteria as commission applicants.¹

Subsection 6(5) provides that by unanimous vote the review panel will select 150 potential commissioners from the pool of applicants: 50 Democrats, 50 Republicans and 50 who are neither Democrats nor Republicans. The potential commissioners must aspire to “promote consensus” and reflect the racial, ethnic, geographic and gender diversity of Oregon. The initiative contains no provision that addresses what happens if the review panel does not vote

¹It is unclear whether the pool of existing Administrative Law Judges is sufficient to meet the criteria set forth in the initiative.

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unanimously to select the potential commissioners or if the selected potential commissioners do not reflect the diversity of Oregon. Pursuant to subsection 6(6), six commissioners (two Democrat, two Republican, two neither Democrat nor Republican) would be randomly selected from that pool. The six randomly selected commissioners would then select the six other commissioners from the qualified applicant pool again with two being Democrats, two Republicans and two neither Democrats nor Republicans. IP 57, § 6(7). Despite the aspirational “diversity” language in subsection 6(5), there is nothing in the initiative to prevent the entire commission from being comprised of entirely of wealthy, middle-aged white men from Portland.

The initiative makes it nearly impossible to remove a commissioner. A commissioner may be removed only for neglect of duty, gross misconduct or if the commissioner is unable to discharge their duties. IP 57, §6(8). Removal may occur only after the Governor serves the commissioner with written notice, the commissioner is given an opportunity to respond and two-thirds of the Senate votes to remove the commissioner. The commissioner may then challenge their removal in court and removal will not occur until judicial review is concluded. The initiative does not address whether a removed commissioner has appeal rights.

The initiative has a process for filling vacancies and provides that a replacement commissioner shall be from the same “sub-pool” as the departing commissioner. IP 57, § 6(9).

The commission may hire staff, legal counsel and consultants “as needed.” There is no requirement that the commission work with existing, qualified experts for any of those roles, and no restrictions on the political affiliations or advocacy history of commission hired attorneys and consultants. The Secretary of State’s office also most provide support as requested by the commission. Commissioners will receive a *per diem* and expense reimbursement. IP 57, § 6(10). The initiative provides employment protections for commissioners who work for larger employers, but not for commissioners who work for smaller employers. *Id.*, § 6(10)(d).

The term of office for a commissioner runs until the next commissioner is appointed. No commissioner may hold or be a candidate for political office, be a political appointee or act as a consultant to a candidate for the legislative assembly or congress, or any such office holder. IP 57, § 6(11).

The initiative requires the legislature to fund the commission. IP 57, § 6(12). The initiative otherwise prohibits the legislature from passing any law that affects the commission unless the commission recommends the law and the legislature adopts the recommended law verbatim. IP 57, § 6(13). In other words, the initiative restricts the legislature’s authority to adopt and enact laws.

B. New Article IV, Section 7 Under the Initiative.

The new Article IV, Section 7 created by the initiative addresses the Commission’s redistricting obligations. As relevant here, the initiative:

- Sets specific criteria the commission must follow for establishing legislative and congressional districts. Those criteria are somewhat similar to existing criteria, with two significant exceptions. The initiative adds a requirement that districts must “achieve competitiveness.” “Competitiveness” is obtusely defined; but the concept appears to be the percentage of elected legislators or congresspeople from any party should correspond

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to the percentage of the population affiliated with such party. IP 57, § 7(4). In other words, “competitiveness” would require the commission to consider partisan data when setting district boundaries. And the criteria imposed by the initiative de-emphasize the statutory requirement that districts not divide communities of interest. *Compare* ORS 188.010(1)(d) *with* IP 57, § 7(4)(D).

- Requires the commission to hold public hearings prior to adopting legislative and congressional districts. Districts must be adopted by August 15 of the first year of each subsequent decade. IP 57, § 7(5).
- Provides for elector review of any commission approved map before the Supreme Court. If the Court rejects the map, it goes back to the commission for revision. This process continues until the commission approves a final map. If the commission does not adopt a map, then any four commissioners may recommend a map, as long as that group of four includes one Democrat, one Republican and one commissioner who is neither a Democrat nor a Republican. Any elector also may challenge a map proposed by a group of four commissioners. The Supreme Court would select the map that comes closest to meeting the constitutional criteria. IP 57, § 7(7).

The initiative also contains a “Supersedence, Severability” clause, which provides that the initiative “supersedes” any conflicting provision of the Oregon Constitution and that any “invalid” provision of the initiative may be severed. IP 57, § 7(8).

III. Guidance from the Supreme Court in Prior Decisions This Election Cycle Regarding Redistricting

This is not the first initiative addressing redistricting this election cycle, and recent decisions from the Oregon Supreme Court provide meaningful guidance here. As with IP 57, Initiative Petition 5 (2020) would have repealed Article IV, section 6 and established a new redistricting commission to conduct legislative redistricting. (IP 5 did not address congressional redistricting or Article IV, section 7). And, as with IP 57, IP 5 also disproportionately weighted representation on the committee so that committee membership would not proportionally correspond to population. For IP 5, that weighting would have benefitted rural areas of the state to the detriment of the more populous areas of the state. As is discussed below, for IP 57 that weighting would benefit Republicans to the detriment of Democrats, voters registered with minor political parties and unaffiliated voters.

Multiple sets of electors challenged the certified ballot title for IP 5. In *Fletcher v. Rosenblum*, 365 Or 98 (2019), the Court addressed and resolved a series of issues. As relevant here, the Court determined that:

- Repealing the legislature’s constitutional role in conducting redistricting is a major effect of an initiative that must be addressed in the caption and remainder of the ballot title. *See, Fletcher*, 365 Or at 104 (“[u]nder existing law, *i.e.*, Article IV, section 6, of the Oregon Constitution, the legislature is charged with redistricting, and the repeal of that constitutional arrangement clearly is one of the most, if not *the* most, significant change to existing law that IP 5 would adopt”) (emphasis in original); *Fletcher v. Rosenblum*, 365 Or 527, 529 (2019) (“[s]imply stating that the new commission ‘replaces’

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redistricting by the legislature does not convey that IP 5 would repeal the present constitutional directive assigning reapportionment to the legislature”).

- Creating a new entity to conduct reapportionment is also a major effect that must be addressed in the caption and remainder of the ballot title. *See Fletchall*, 365 Or at 105 (“[t]he creation of an entirely new deliberative body to make reapportionment decisions is, likewise, one of the most consequential changes that IP 5 would adopt”).
- The composition of the new entity – and whether it creates representation that is not strictly apportioned in accordance with population – is another major effect that must be addressed in the caption and the remainder of the ballot title. *See Fletchall*, 365 Or at 108 (“we think it permissible and even necessary to highlight the fact that IP 5 transfers reapportionment – a process that, by its nature, is concerned with representation – from a body whose membership is strictly apportioned in accordance with population to one that effectively inverts population-based apportionment”); *id.* at 108 (“[p]ut more simply, we believe that most people would view the way that membership is allocated as perhaps the most politically consequential feature”).
- Referring to a newly created redistricting commission as “citizen” or “nonpartisan” “would tend to prejudice voters in favor of the measure” and is not appropriate for the ballot title. *Fletchall*, 365 Or at 111-112. *See also id.* at 118 (“[a]s we have already explained, those terms [“citizen” and “nonpartisan”] are not informative and are not neutral in this context”).
- The ballot title need not address any specific change to redistricting criteria in the results statements, and the ballot title summary may not permissibly address some changes to redistricting criteria without addressing all changes. *Fletchall*, 365 Or at 112-113, 117.

IV. The Draft Ballot Title

A. The Caption

ORS 250.035(2)(a) provides that a ballot title must contain a “caption of not more than 15 words that reasonably identifies the subject matter of the state measure.” The caption must “state or describe the proposed measure’s subject matter accurately, and in terms that will not confuse or mislead potential petition signers and voters.” *Lavey v. Kroger*, 350 Or 559, 563 (2011) (citations omitted; internal quotation marks omitted). An initiative’s “subject matter is its actual major effect – or if there is more than one, all such major effects that can fit within the statutory word limit.” *Fletchall*, 365 Or at 103 (internal quotation marks omitted; citation omitted). “To identify a measure’s actual major effect (or effects), we consider the changes the proposed measure would enact in the context of existing law.” *Fletchall*, 365 Or at 103 (internal quotation marks omitted; citation omitted). A caption that is underinclusive, because it does not notify readers of all the major effects of an initiative, is statutorily noncompliant. *Towers v. Myers*, 341 Or 357, 362 (2006). “When the Attorney General chooses to describe the subject matter of a proposed measure by listing some of its effects, [s]he runs the risk that the caption will be underinclusive and thus inaccurate.” *Towers*, 341 Or at 361. *See also McCann v. Rosenblum*, 354 Or 701, 706 (2014) (“[w]hen the Attorney General chooses to describe a measure by listing the changes that the proposed measure would enact, some changes may be of

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sufficient significance that they must be included in the description”) (internal quotation marks omitted; citations omitted).

The draft caption provides:

“Amends Constitution: Repeals legislative redistricting process; creates congressional/state redistricting commission; equal representation of Democrats, Republicans, others.

As discussed above, the major effects of an omnibus legislative districting amendment to the Oregon Constitution that must be addressed in the caption include: repeal of the existing constitutional provision addressing the legislature’s role for creating districts and redistricting; creation of a new entity to conduct redistricting; and, the composition of the new entity, including whether representation on the commission is disproportionate or inconsistent with the population. *See also Fletchall*, 365 Or at 110 (“[t]o recap, we have identified three ‘actual major effects’ of IP 5 that must be included in the caption of the measure’s ballot title: (1) the measure repeals the existing constitutional provision directing the legislature to reapportion legislative districts; (2) the measure creates a new commission to carry out reapportionment in the legislature’s stead; and (3) the measure configures the commission in a way that gives rural areas relatively more influence over the reapportioning process than population centers”). Ms. Uherbelau respectfully submits that the caption does not comply with the requirements of ORS 250.035(2)(a).

Ms. Uherbelau’s predominant concern with the caption is that the third clause – “equal representation of Democrats, Republicans, others” – is misleading, inaccurate and confusing. It also is inconsistent with the Court’s recent *Fletchall* decisions. IP 57 does not provide for “equal” representation on the redistricting commission; rather, Republicans would be overrepresented while Democrats, voters registered with minor political parties and unaffiliated voters would be underrepresented, and “others” – such as newly registered voters and myriad individuals explicitly disqualified by the commission membership requirements in the initiative – would not be represented at all.

As of December 2019, Oregon had 2,813,802 registered voters. Of those registered voters: 970,284 (34.48%) were registered as Democrats; 701,970 (24.95%) were registered as Republicans; and, 955,801 (33.97%) were unaffiliated. The remaining 185,747 voters (6.6%) were members of minor political parties, including 124,306 Independent Party voters (comprising 4.42% of the total electorate).² In other words, over one third of registered voters are Democrats, slightly over one third of registered voters are unaffiliated, less than one fourth of registered voters are Republicans and a small but significant percentage of registered voters are members of minor political parties. There are significantly more Democrats than Republicans – by over 268,000, or almost 10% of all registered voters. There are also significantly more unaffiliated voters than Republicans, by over 253,000, or more than 9% of all registered voters. Simply put, registered voters are not equally distributed between Democrats, Republicans,

²The Secretary of State maintains records, updated monthly, of registered voters in Oregon. *See* Oregon Secretary of State, Elections Division, Voter Registrations by Year and Month, December 2019 (dated January 9, 2020), available at <https://sos.oregon.gov/elections/Documents/registration/2019-december.pdf>

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unaffiliated voters and minor political parties. Whereas Democrats and unaffiliated voters each comprise roughly a third of the electorate, Republicans are less than a quarter.

The structure of the commission would result in unequal representation, with Republicans being over-represented compared to Democrats, unaffiliated voters and voters from minor political parties. As discussed above, the initiative creates a 12-person redistricting commission, comprised of four “individuals registered with the largest political party in this state”; four “individuals registered with the second largest political party in this state,” and four “individuals who are registered with neither of the two largest political parties in the state.” IP 57, §§ 6(6), (7). That means that Republicans, who are less than a quarter of registered voters would have a third of the seats on the commission. Unaffiliated voters and voters registered with minor political parties – who comprise a plurality of over 40% of all registered voters – would hold only a third of the seats on the Commission.³

“Equal representation of Democrats, Republicans, others” is misleading because it does not inform voters or potential petitions signers that the initiative would disproportionately benefit Republicans, and that “others” would be unrepresented. Of the three major blocks of voters – Democrats, Republicans and those not affiliated with any party – IP 57 effectively would over-empower the smallest block. Yet, the caption (and other sections of the ballot title) imply an “equal” balance. As the Court explained in *Fletcher*, “most people would view the way membership is allocated as perhaps the most consequential feature” and, it is “necessary to highlight the fact that IP 5 transfers reapportionment – a process that by its nature is concerned with representation – from a body whose membership is strictly apportioned in accordance with population to one that effectively inverts that population based apportionment.” 365 Or at 108. As with IP 5, this initiative would create a proportional imbalance. With IP 5, that imbalance related to rural and urban representation; here, the imbalance relates to party (and non-party) affiliation. The requirements of ORS 250.035(2)(a) apply with the same force here as they did with IP 5. The initiative proposes a commission that would be the antithesis of proportional representation. As the Court made clear in *Fletcher*, the proportional imbalance in commission representation created by a redistricting initiative must be conveyed in the caption (and throughout the ballot title). The third clause fails to do so.

“Equal representation of Democrats, Republicans, others” is also confusing. Readers reasonably could conclude that “equal” refers to representation in relation to registered voters and population. However, as discussed above, the initiative mandates the same number of Republican, Democrat and “other” commissioners, without regard to registration and population. For that additional reason, the phrase is noncompliant.

³The unequal representation in the commission’s composition is further enhanced by the unequal weighting in screening for applicants. Under the initiative, the panel of three Administrative Law Judges who screen and select the applicants must consist of one Democrat, one Republican and one ALJ who is neither Democrat nor Republican, again disproportionately weighting the process in favor of Republicans.

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“Equal representation of . . . others” is misleading. “Others” apparently is intended to encompass nonaffiliated voters, as well as voters registered with minor political parties. Yet, those electors will not have “equal” representation on the commission. Because there are more minor political parties than allocated “other” commission seats, not all minor political parties could have representation on the commission. Representation will not be “equal” as between nonaffiliated voters and members of the Constitution, Independent, Libertarian, Pacific Green, Progressive and Working Parties. Some will have no representation whatsoever. And there is nothing in the initiative that would prevent registered voters from one minor political party from occupying four commission seats. A reader reasonably would conclude from the draft caption that “others” will have an “equal” voice on the commission, yet some “others” – based on political affiliation – will be shut out of the commission entirely.

“Equal representation of . . . others” also is inaccurate. As discussed above, the initiative excludes many registered voters from participation in the commission, such as younger Oregonians recently naturalized Oregonians and newer Oregon residents. The initiative also excludes individuals who actively have participated in political processes, and their relatives. Those individuals will have *no* representation on the commission. As to those Oregon electors and citizens, representation is not just unequal, it is nonexistent.

B. The Results Statements

ORS 250.035(2)(b) and (c) require that the ballot title contain “simple and understandable statement[s] of not more than 25 words that describe[] the result if the state measure is approved” or “rejected.” The yes statement “should describe the most significant and immediate effects of the ballot initiative for the general public.” *McCann*, 354 Or at 707 (internal quotation marks omitted; citation omitted). The result of no statement “should address the substance of current law *on the subject matter of the proposed measure* and summarize the current law accurately.” *Id.* at 707 (citation omitted; internal quotation marks omitted; emphasis in original). Those statements should be written so that, when “read together” they serve as context for one another. *Potter v. Kulongoski*, 322 Or 575, 582 (1996).

The draft results statements provide:

“Yes” vote repeals constitutional provision requiring state legislative districting by legislature; creates commission to draw congressional/state legislative districts; equal representation of Democrats, Republicans, others.

“No” vote retains the current redistricting process, in which the legislature draws the boundaries of congressional and state legislative districts; maintains constitutional provision.

Ms. Uherbelau respectfully submits that the result of yes statement is flawed for the same reason the caption is flawed. The third clause repeats the misleading, inaccurate statement “equal representation of Democrats, Republicans, others” and does not inform readers that the commission created by the initiative would be weighted towards Republicans. That disproportional weighting “is yet another result of great consequence to the general public that should be included in the ‘yes’ vote result statement.” *Fletcher*, 365 Or at 111. Additionally, the word “provision” in the first clause is underinclusive, because it does not address the initiative’s repeal of Article IV, section 7. Given the extra words allowed in the result of yes

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statement, it also should address that the initiative would exclude many Oregon voters and Oregon citizens from participating in the commission merely because of their age, naturalization status, prior residence, prior registration (or lack thereof), participation in political processes or advocacy, or a family member's participation in political processes or advocacy.

The result of yes statement also does not advise voters and potential petition signers that the initiative would change existing redistricting requirements. *See Fletchall*, 365 Or at 113 (“changes to the criteria for drawing legislative districts constitute[s] one of the ‘greatest consequences for the general public’” and should be mentioned in the result of yes statement). The initiative sets new redistricting requirements, including “competitiveness.” The initiative de-emphasizes the existing requirement that districts not divide communities of common interest in ORS 188.010(1)(d), and it is unclear what the impact of the additional requirements in the initiative would have on existing statutory provisions regarding redistricting. That is of the “greatest consequences” of the initiative that must be discussed in the result of yes statement. *See Fletchall*, 365 Or at 113 (yes statement must at least include a general phrase such as “changes redistricting requirements”).

Finally, the result of yes statement should convey that by taking redistricting away from the democratically elected legislature, redistricting will now be conducted by an *unelected* body. Given that the initiative prohibits the legislature from passing any laws that impact the functioning of the commission and does not provide for judicial oversight of the commission, the fact that the commission is an unelected body that has no obligation to answer to the public is another “significant and immediate effect” that should be conveyed in the result of yes statement.

The result of no statement does not fully or adequately address current law in relation to the subject matter of the initiative. Specifically, the result of no statement – when read in conjunction with the result of yes statement – does not advise voters that the initiative retains current constitutional and statutory redistricting requirements. The result of no statement also does not advise voters – as did the result of no statement for IP 5 following the Court’s decision in *Fletchall* – that redistricting currently is conducted by “a body whose members are strictly apportioned in accordance with population” rather than a body whose membership is weighted in favor of one political party. Finally, “provision” is underinclusive; a no vote would retain two constitutional provisions, not a singular provision.

C. The Summary

ORS 250.035(2)(d) requires that the ballot title contain a “concise and impartial statement of not more than 125 words summarizing the state measure and its major effect.”

Ms. Uherbelau respectfully submits that the summary is flawed for the reasons set forth above. Specifically, the summary does not set forth that the initiative would create a commission that is disproportionately weighted in favor of Republicans. The summary is flawed for the following additional reasons:

- “Specific requirements for membership” is vague and uninformative. The summary must provide some specificity as to whom is qualified to become a commissioner and who is disqualified from becoming a commissioner. The initiative’s discriminatory impact on young voters, newly naturalized citizens, recent immigrants to Oregon, individuals who

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January 14, 2020
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have participated in political processes, their immediate family members and in-laws is an effect that needs to be included in the summary.

- The summary is underinclusive, because it does not inform voters that the initiative would transfer redistricting from democratically elected representatives to an *unelected* commission.
- The summary is underinclusive, because it mentions only some of the new district criteria required by the initiative without addressing other criteria that are eliminated or may be impacted. Importantly, here the initiative would make the extant statutory requirement that districts not divide communities of common interest subservient to other criteria. IP 57, § 7(4)(a)(d). That impact must be addressed. *See, e.g., Fletchall*, 365 Or at 117 (mentioning new district criteria in initiative without addressing impact on “a requirement of longstanding importance in Oregon redistricting law – that communities of common interest be preserved – causes the summary to be underinclusive and, ultimately, inaccurate”).
- The word “competitiveness” is inaccurate, and appears to have been used by the initiative’s chief petitioners to engineer a favorable ballot title. It should not appear in the ballot title, even if flagged with quotation marks and a parenthetical “(undefined)”. *See Tauman v. Myers*, 343 Or 299, 303-304 (2007) (defined term from initiative may not appear in ballot title if term is inaccurate or used in a confusing way). Rather, the summary should inform voters that the initiative would impose districting criteria that would have the commission take partisan considerations into account when creating districts.
- The summary does not address the severe restriction on the legislature’s authority to pass laws relating to the commission or the absence of judicial oversight over the commission, the commissioner screening process and commissioner selection.
- The summary does not address the onerous process for removing an incompetent or bad acting commissioner.
- The summary does not address the expanded authority and responsibility given to the Secretary of State regarding screening of commissioners and assisting the commission.
- The summary does not address numerous inconsistencies and ambiguities in the initiative. For example:
 - The initiative requires a panel of administrative law judges to unanimously approve a pool of applicants but does not address what happens if the panel fails or refuses to do so or if there are not sufficient qualified administrative law judges (given the criteria) to undertake the selection process.
 - The initiative does not address what happens if a commissioner changes party affiliation (or non-affiliation) after appointment.


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January 14, 2020
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- The initiative does not address whether the district criteria in the initiative supplant existing statutory criteria or how the two sets of criteria should be reconciled.

Given all these inconsistencies and ambiguities, the summary should inform voters that some or all effects of the initiative are unclear.

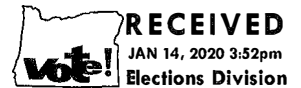
Thank you for your consideration of these comments.

Very truly yours,

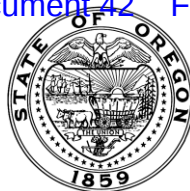


Steven C. Berman

SCB:gs
cc: Client



ELLEN F. ROSENBLUM
Attorney General



FREDERICK M. BOSS
Deputy Attorney General

DEPARTMENT OF JUSTICE
APPELLATE DIVISION



January 30, 2020

Stephen N. Trout
Director, Elections Division
Office of the Secretary of State
255 Capitol St. NE, Ste. 501
Salem, OR 97310

Re: Proposed Initiative Petition — Amends Constitution: Repeals Legislative Redistricting Process; Creates Congressional/State Redistricting Commission; Equal Number of Democrats, Republicans, Others.

DOJ File #BT-57-19; Elections Division #2020-057

Dear Mr. Trout:

We received nine timely sets of comments on the draft ballot title for prospective Initiative Petition #57 (2020). Those comments were submitted by Christian Trejbal, KC Hanson (on behalf of the Democratic Party of Oregon), Gregory Chaimov (on behalf of Norman Turrill and Sharon Waterman, the proposed measure's chief sponsors), Steven Berman (on behalf of Becca Uherbelau), Kate Titus (on behalf of Common Cause Oregon), Andrew Kaza and Rob Harris (on behalf of the independent Party of Oregon), Normal Turrill and Rebecca Gladstone (on behalf of the League of Women Voters of Oregon), Sharon Waterman (on behalf of the Oregon Farm Bureau Federation), and Eric Richardson (on behalf of the Eugene/Springfield NAACP). We provide the enclosed certified ballot title.

We also received an untimely set of comments from Samantha Gladu and Chi Nguyen (on behalf of Next Up and APANO). Because the comments were untimely, we were not required to consider them and they are not specifically discussed below. *See* ORS 250.067. We note, however, that most of the objections in those comments also appear in the timely comments that we considered.

This letter summarizes the comments we received, our responses, and the reasons we did or did not make proposed changes to each part of the ballot title. We ultimately modified all parts of the ballot title. ORAP 11.30(6) requires this letter to be part of the record in the event that the Oregon Supreme Court reviews the ballot title.

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BT-57-19 Certified Letter

1162 Court Street NE, Salem, OR 97301-4096
Telephone: (503) 378-4402 Fax: (503) 378-3997 TTY: (800) 735-2900 www.doj.state.or.us

Exhibit 4
Page 1 of 7

Procedural constitutional requirements

In addition to the comments noted above, commenter Berman also submitted a separate letter arguing that the proposed measure fails to comply with the separate-vote requirement of Article XVII, section 1, of the Oregon Constitution. Whether IP 57 complies with that requirement is beyond the scope of the ballot title drafting process. *See* OAR 165-14-0028 (providing for separate review process by Secretary of State to determine whether measure complies with constitutional procedural requirements for proposed initiative measures). Accordingly, we do not address that issue here.

A. The caption

The ballot title must include a caption “of not more than 15 words that reasonably identifies the subject matter of the state measure.” ORS 250.035(20(a)). The “subject matter” is “the ‘actual major effect’ of a measure or, if the measure has more than one major effect, all such effects (to the limit of the available words).” *Lavey v. Kroger*, 350 Or 559, 563, 258 P3d 1194 (2011).

The draft caption read:

Amends Constitution: Repeals legislative redistricting process; creates congressional/state redistricting commission; equal representation of Democrats, Republicans, others

Several commenters objected that the word “equal” is inaccurate because some individuals are ineligible to serve on the commission and because Republicans will be overrepresented relative to their proportion of the population (with nonaffiliated or minor-party members correspondingly underrepresented). As the Supreme Court recently explained in connection with the ballot title for another measure that proposed the creation of a redistricting commission, the way that membership on the commission is allocated is “perhaps the most politically consequential feature” of the measure and must be included, to the extent space permits, in the caption. *Fletchall v. Rosenblum*, 365 Or 98, 108, 442 P3d 193 (2019) (*Fletchall I*). For that reason, we included information about the composition of the commission in the caption. Further, we disagree that the term “equal” is inaccurate or misleading in this context. The number of members from each group is equal; whether an equal number of members is fair or unfair is not a matter that the caption should seek to resolve. *Cf. id.* (holding that the ballot title could not state that the proposed commission “over-represents” rural areas because “it appears to include a judgment that the representation of rural areas would be excessive”). Nor is there room in the caption to explain the limits on who can serve on the commission.

Nonetheless, we conclude that the phrase “equal number” has less potential for confusion than “equal representation.” We have changed the caption accordingly.

Several commenters objected to the separate “repeals” and “creates” clauses, contending that they waste space that could be better used if a single “replaces” clause were used instead. But the Supreme Court recently rejected a similar ballot title that contained a single “replaces” clause rather than “repeals” and “creates” clauses. *Fletchall v. Rosenblum*, 365 Or 527, 529, 448 P3d 634 (2019) (*Fletchall II*) (“Simply stating that the new commission ‘replaces’ redistricting

by the legislature does not convey that IP 5 would repeal the present constitutional directive assigning reapportionment to the legislature.”). In view of that ruling, we conclude that both clauses must appear in the caption here, even though that takes up most of the words available.

Several commenters also objected that the caption does not describe the commission as an “independent citizen” commission, or words to that effect. We disagree that using those descriptors would be appropriate or helpful to the voters. The Supreme Court rejected a similar argument in *Fletchall I*, where objectors wanted the caption to describe the redistricting commission as a “non-partisan, citizen commission.” 365 Or at 106. The court noted that the words “non-partisan” and “citizen” are “not neutral in this context” because they invoke “familiar and emotionally charged themes relating to political independence and government by ‘professional politicians.’” *Id.* Moreover, the words “do not add much, if anything, that is informative to the term that [they] would modify—‘commission.’” *Id.*

We conclude that the descriptive phrase “independent citizen” suffers from the same flaws as the phrase “nonpartisan citizen” that the court rejected in *Fletchall I*. “Independent” is but a synonym for “nonpartisan” that conveys little if any information to the voters but may evoke an emotionally charged response. If anything, “independent” is more likely to confuse voters, because—even assuming that the commenters are correct that the use of the lowercase will make it clear that caption is not referring to the Independent Party of Oregon—the term “independent” is often used to mean neither Democrat nor Republican, and the commission would include members of both parties. Thus, we decline to add language like “independent citizen” to the caption.

Commenter Trejbal objected to the mention of “Democrats” and “Republicans” when the measure talks about the two largest political parties. But we conclude that using the party names is clearer, especially given the limited space available in the caption. (We use the “two largest parties” explanation in the summary, where there are more words available for explanation.) The Democratic and Republican parties are by far the largest parties in Oregon, so absent a major realignment in voter affiliation, those are the parties that will occupy the seats allocated to the two largest parties. And Trejbal’s suggested alternative (“equal representation: two largest parties, others”) leaves it unclear whether the two largest parties together make up half of the commission, with “others” making up the other half, or whether they each make up a third with “others” also making up a third. Although theoretically a third party could overtake Democrats or Republicans in the future, we conclude that the caption is accurate at present and that using the party names makes it more comprehensible.

We certify the following caption:

Amends Constitution: Repeals legislative redistricting process; creates congressional/state redistricting commission; equal number of Democrats, Republicans, others

B. The “yes” result statement

A ballot title must include a “simple and understandable statement of not more than 25 words that describes the result if the state measure is approved.” ORS 250.035(2)(b). The

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statement should identify the measure’s “most significant and immediate effect.” *Novick/Crew v. Myers*, 337 Or 568, 574, 100 P3d 1064 (2004).

The draft “yes” result statement read:

Result of “Yes” Vote: “Yes” vote repeals constitutional provision requiring state legislative redistricting by legislature; creates commission to draw congressional/state legislative districts; equal representation of Democrats, Republicans, others.

Commenters raised the same objections to the “yes” statement that they did to the caption: that it should not use the word “equal,” that it should say “replaces” rather than “repeals” and “creates,” that it should use the term “independent citizen commission,” and that it should not name specific parties. We reject those comments for the reasons explained above, but we again change “representation” to “number.”

Commenter Berman objected to the word “provision” rather than “provisions,” because the measure repeals two provisions of the Oregon Constitution. We have made that change.

Commenter Berman also asserted that the statement should address the measure’s limits on who can serve on the commission and the changes to redistricting criteria. In view of the limited space available, we disagree that those details need to be in the result statement. *See Fletchall I*, 365 Or at 114 (holding that certain matters can be relegated to the summary when they are not “one of the measure’s most significant effects” and there is a need to describe “other, more important results” if the measure is enacted). As noted below, both are mentioned in the summary instead.

Several commenters objected that the result statement does not convey how big a change it would be to shift responsibility for redistricting from an elected legislature to an unelected commission, with no legislative or judicial oversight. We disagree. The statement makes it clear that the responsibility is being removed from the legislature and conferred on a commission. Although space does not permit discussing in the result statement how commissioners are chosen, that information is included in the summary.

We certify the following “yes” result statement:

Result of “yes” vote: “Yes” vote repeals constitutional provisions requiring state legislative redistricting by legislature; creates commission to draw congressional/state legislative districts; equal number of Democrats, Republicans, others.

C. The “no” result statement

A ballot title must include a “simple and understandable statement of not more than 25 words that describes the result if the state measure is rejected.” ORS 250.035(2)(c). The statement “should ‘address[] the substance of current law on the subject matter of the proposed measure.’” *McCann v. Rosenblum*, 354 Or 701, 707, 320 P3d 548 (2014) (quoting *Novick/Crew*, 337 Or at 577) (emphasis omitted).

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The draft “no” result statement read:

Result of “No” Vote: “No” vote retains the current redistricting process, in which the legislature draws the boundaries of congressional and state legislative districts; maintains constitutional provision.

Several commenters objected that the statement does not indicate that the current process is controlled by self-interested politicians. We conclude that adding language to that effect would not be neutral, and for that reason we do not do so. *Cf. Fletchall I*, 365 Or at 106–07 (noting that “familiar and emotionally charged themes relating to political independence and government by ‘professional politicians’ * * * would have a greater tendency to promote passage of the measure than to convey its actual content to the voters”).

Those commenters also objected to the final clause, contending that it does not add any information that would be helpful to voters. We agree and have removed it.

Commenter Berman objected that the result statement does not mention that a “no” vote would retain current redistricting criteria. But because we have not included anything about that issue in the “yes” result statement, we conclude that it should not be mentioned in the “no” statement either. Berman also objected that the “no” result statement does not mention that the legislature’s members are strictly apportioned in accordance with population. We conclude that it is appropriate to note that the members of the legislature are elected, which makes a similar point.

We certify the following “no” result statement:

Result of “No” Vote: “No” vote retains the current redistricting process, in which the elected legislature draws the boundaries of congressional and state legislative districts.

D. The summary

A ballot title must include a “concise and impartial statement of not more than 125 words summarizing the state measure and its major effect.” ORS 250.035(2)(d). The summary’s purpose is to “help voters understand what will happen if the measure is approved.” *Fred Meyer Inc. v. Roberts*, 308 Or 169, 175, 777 P2d 406 (1989).

The draft summary read:

Amends Constitution. Oregon Constitution requires legislature to reapportion state legislative districts every ten years. Legislature also draws congressional districts. Measure repeals current state constitutional/legislative processes; creates twelve-member commission to draw both congressional and state legislative districts; specific requirements for membership. Secretary of State randomly selects first six members from applicant group; other members chosen by first six. One-third of members must be registered with each of largest two political parties, one-third unaffiliated or from other parties. District lines drawn according to specific redistricting criteria. At least one member from each group

Exhibit 4

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must agree for commission to approve map or take other action. Measure requires commission to achieve “competitiveness” (defined) to extent practicable; prohibits considering the residence of incumbents/candidates. Other provisions.

Commenters raised some the same objections to the summary that they did to the caption and “yes” statements: that it should not use the word “equal,” that it should use the term “independent citizen commission,” and that it should emphasize the shift in responsibility for redistricting from an elected legislature to an unelected body. We reject those comments for the reasons explained above.

Almost all of the commenters objected to the inclusion of information about the “competitiveness” criterion, contending that the measure makes other changes to redistricting criteria. Although we find it unclear whether any of the other changes amount to a significant change from current law, we agree that it would be sufficient to say that the measure “changes redistricting requirements.” *Cf. Fletchall I*, 365 Or at 113 (concluding that a general phrase like “changes redistricting requirements” is preferable to mentioning some specific changes but not others).

Most of the commenters objected that the summary did not contain more information about who cannot serve on the commission. Some sought to emphasize that professional politicians and lobbyists are excluded; other sought to emphasize that new Oregonians or individuals who have changed party affiliation are excluded. Unfortunately, all of the measure’s details cannot be captured in the available words and, as with the changes to the redistricting criteria, runs into the problem of mentioning some without mentioning others. Nonetheless, we agree that the phrase “specific requirements for membership” does not adequately convey the types of restrictions that the measure imposes. We therefore substitute a fuller explanation: “Commission membership restricted based on length of residence/party affiliation, recent political work, political contributions, or family members who engaged in certain political activity.”

Several commenters suggested that for clarity’s sake, the summary should replace the fractions used to describe the number of commissioners in each group (one-third) with a number (four). We agree and have made that change.

Several commenters objected that the result statement does not discuss provisions such as the measure’s limitations on removing commissioners, limitations on legislative control of the commission, and increased authority of the Secretary of State to oversee the process. In our view, however, those matters are either adequately covered by the summary’s current language or are not so significant that they should displace the descriptions of the measure’s other effects. *Cf. Blosser v. Rosenblum*, 358 Or 312, 319 n 3, 363 P3d 1280 (2015) (noting that the 125-word limit should be a consideration in whether to include details in the summary). Similarly, although several commenters objected that the summary does not mention the measure’s hearing and public-participation requirements, those requirements do not represent a significant change from current law. We conclude that mentioning them is less important than noting the other effects of the measure.

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Finally, some commenters objected that the measure itself has various ambiguities that leave it unclear, for example, how the pool of commissioners would be screened if the state has no administrative law judges who are not Democrats or Republicans, or what would happen if a commissioner switched party affiliation during his or her term of office. But it is not the purpose of a ballot title to highlight every potential legal issue, to interpret ambiguous language in a measure, or to speculate how a court might rule in the future. *See Kane v. Roberts*, 310 Or 423, 428, 799 P2d 639 (1990) (conjecture about the potential ramifications or secondary effects of a proposed measure does not belong in a ballot title, and the summary need not state that the measure's effects would have to be determined by the courts). We conclude that the potential ambiguities identified by commenters are not so significant or so likely to occur that they need to be identified with a phrase like "effect unclear."

We certify the following summary:

Summary: Amends Constitution. Oregon Constitution requires legislature to reapportion state legislative districts every ten years. Legislature also draws congressional districts. Measure repeals current state constitutional/legislative processes; creates twelve-member commission to draw both congressional and state legislative districts. Commission membership restricted based on length of residence/party affiliation, recent political work, political contributions, or family members who engaged in certain political activity. Secretary of State randomly selects first six members from applicant group; other members chosen by first six. Four members must be registered with each of largest two political parties, four unaffiliated or from other parties. At least one member from each group must agree for commission to approve map or take other action. Changes redistricting criteria. Other provisions.

E. Conclusion

We certify the attached ballot title.

Sincerely,

/s/ Benjamin Gutman

Benjamin Gutman
Solicitor General
benjamin.gutman@doj.state.or.us

Enclosure

C. Norman Turrill
3483 SW Patton Rd.
Portland, OR 97201

Sharon K. Waterman
87518 Davis Creek Lane
Bandon, OR 97411



Certified by Attorney General on January 30, 2020.

/s/ Benjamin Gutman
Solicitor General

BALLOT TITLE

Amends Constitution: Repeals legislative redistricting process; creates congressional/state redistricting commission; equal number of Democrats, Republicans, others

Result of “Yes” Vote: “Yes” vote repeals constitutional provisions requiring state legislative redistricting by legislature; creates commission to draw congressional/state legislative districts; equal number of Democrats, Republicans, others.

Result of “No” Vote: “No” vote retains the current redistricting process, in which the elected legislature draws the boundaries of congressional and state legislative districts.

Summary: Amends Constitution. Oregon Constitution requires legislature to reapportion state legislative districts every ten years. Legislature also draws congressional districts. Measure repeals current state constitutional/legislative processes; creates twelve-member commission to draw both congressional and state legislative districts. Commission membership restricted based on length of residence/party affiliation, recent political work, political contributions, or family members who engaged in certain political activity. Secretary of State randomly selects first six members from applicant group; other members chosen by first six. Four members must be registered with each of largest two political parties, four unaffiliated or from other parties. At least one member from each group must agree for commission to approve map or take other action. Changes redistricting criteria. Other provisions.



CERTIFICATE OF FILING AND PROOF OF SERVICE

I hereby certify that on February 13, 2020, I electronically filed the original [AMENDED] PETITION TO REVIEW BALLOT TITLE CERTIFIED BY THE ATTORNEY GENERAL FOR INITIATIVE PETITION 57 (2020), and accompanying exhibits, with the Appellate Court Administrator.

I further certify that on February 13, 2020, I served the foregoing [AMENDED] PETITION TO REVIEW BALLOT TITLE CERTIFIED BY THE ATTORNEY GENERAL FOR INITIATIVE PETITION 57 (2020), and accompanying exhibits, by regular first class mail on:

Chief Petitioners

C. Norman Turrill
3483 SW Patton Rd.
Portland, OR 97201

Sharon K. Waterman
87518 Davis Creek Ln
Bandon, OR 97411

Ellen Rosenblum
Attorney General of the State of
Oregon
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Email: ellen.f.rosenblum@doj.state.or.us

Attorneys for Respondent

DATED this 13th day of February, 2020.

STOLL STOLL BERNE LOKTING &
SHLACHTER P.C.

By: s/ Steven C. Berman
Steven C. Berman, OSB No. 951769

Attorneys for Petitioner Becca Uherbelau

EXHIBIT M



Oregon Secretary of State Elections Division Initiative, Referendum, and Referral Search

Detailed Display: 1 records

Search Date: Wednesday 01/27/2021

Election Year: **2018**
 Keyword: **..** Active: **..** Qualified: **..** Rejected: **..** Withdrawn: **..** Approved to Circulate: **..** Will Pay Circulators: **..** Statutory: **Y** Constitutional: **Y**

Detailed Information For : 37/2018

Initiative Number	Date Filed	Will Pay Petitioners	Statutory/Constitutional	Signatures Required	Approved For Circulation	Current Status	Ballot Measure Number
37	10/19/2017	Yes	Constitutional	117,578	03/07/2018		103

Chief Petitioner Details

Name	Ron Brake	Name	Syd Hannigan		
Address	155 B Avenue, STE 110 Lake Oswego, OR 97034	Address	155 B Avenue, STE 110 Lake Oswego, OR 97034		
Contact Information	Phone: (503)954-4213 Fax:()-	Contact Information	Phone: ()- Fax:()-		

Ballot Titles

Subject (Provided by chief petitioners) (view complete text of Initiative)
Yes! Keep Our Groceries Tax-Free!
Draft Ballot Title (view complete title received: 11/20/2017, or comments deadline: 12/05/2017)
Amends Constitution: Prohibits state/local taxes on sale/distribution/purchase of "groceries" (defined) enacted after September 2017
Certified Ballot Title (view complete title and AG letter received: 12/20/2017) (appeal deadline: 01/05/2018)
Amends Constitution: Prohibits taxes/fees based on transactions for "groceries" (defined) enacted or amended after September 2017
Amended Ballot Title (supreme court opinion received: 03/02/2018)
Certified Ballot Title approved without changes

Notes

10/19/2017 Prospective petition filed. To begin the ballot title drafting process,

chief petitioners must submit 1,000 sponsorship signatures.
11/09/2017 Signature verification of sponsorship signatures completed. Petition contains at least 1,000 signatures.
01/05/2018 Appealed to Supreme Court.
03/02/2018 Judgement Received. Certified Ballot Title approved with no changes.
05/23/2018 Signatures submitted for verification. 175,933 unverified signatures.
06/18/2018 Verification of early submittal of signatures completed. Petition contains 119,744 valid signatures, or 68.05% of the 175,975 signatures accepted for verification. Qualified for the November 6, 2018, General Election ballot. The total number of signatures accepted for verification includes sponsorship (1,751) and primary (174,224) signature submittals.

END OF SEARCH[Elections Division Home Page](#)

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Oregon Secretary of State

Elections Division

Initiative, Referendum, and Referral Search

Detailed Display: 1 records

Search Date: Wednesday 01/27/2021

Election Year: **2016**
 Keyword: **..** Active: **..** Qualified: **..** Rejected: **..** Withdrawn: **..** Approved to Circulate: **..** Will Pay Circulators: **..** Statutory: **Y** Constitutional: **Y**

Detailed Information For : 65/2016

Initiative Number	Date Filed	Will Pay Petitioners	Statutory/ Constitutional	Signatures Required	Approved For Circulation	Current Status	Ballot Measure Number
65	10/06/2015	Yes	Statutory	88,184	03/22/2016		98

Chief Petitioner Details

Name	LaToya Fick	Name	Carmen Rubio	Name	Ted Kulongoski
Address	1732 NW Quimby, Suite 200 Portland, OR 97206	Address	3726 NE 79th Ave Portland, OR 97213	Address	4232 NE Couch St Portland, OR 97213
Contact Information	Phone: (443)996-6675 Fax:()-	Contact Information	Phone: (503)502-9832 Fax:()-	Contact Information	Phone: (503)477-9362 Fax:()-

Ballot Titles

Subject (Provided by chief petitioners) (view complete text of Initiative)
Oregonians for High School Success Initiative
Draft Ballot Title (view complete title received: 11/10/2015, or comments deadline: 11/25/2015)
Dedicates funds to programs providing high school career-technical/college-level education, dropout-prevention support
Certified Ballot Title (view complete title and AG letter received: 12/11/2015) (appeal deadline: 12/28/2015)
Requires state funding for dropout-prevention, career/college readiness programs; reduces funds for other services
Amended Ballot Title (view complete title received: 03/18/2016) or (supreme court opinion received: 03/18/2016)

Requires state funding for dropout-prevention, career and college readiness programs in Oregon high schools

Notes

10/06/2015 Prospective petition filed. To begin the ballot title drafting process, chief petitioners must submit 1,000 sponsorship signatures.

11/02/2015 Signature verification of sponsorship signatures completed. Petition contains 1,687 signatures.

12/17/2015 Chief Petitioner added.

12/28/2015 Appealed to Supreme Court.

03/18/2016 Judgement Received. Ballot Title Modified.

05/27/2016 Signatures submitted for verification. 90,697 unverified signatures.

6/20/16 Signature verification of early submittal complete. Petition contains 73,577 valid signatures, or 78.95% of the 91,220 signatures accepted for verification. Chief petitioners may submit additional signatures not later than 7/8/16.

06/23/2016 Additional signatures submitted for verification. 35,361 unverified signatures.

07/14/2016 Signature verification complete. IP 2016-065 has qualified to the ballot for the November 8, 2016, General Election. Petition contains 101,302 valid signatures, or 78.11% of the 129,686 signatures accepted for verification. The total number of signatures accepted includes sponsorship (1,981), primary (91,220) and supplemental (36,485) signature submittals.

END OF SEARCH

[Elections Division Home Page](#)

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Oregon Secretary of State

Elections Division

Initiative, Referendum, and Referral Search

Detailed Display: 1 records

Search Date: Wednesday 01/27/2021

Election Year: **2014**
 Keyword: **..** Active: **..** Qualified: **..** Rejected: **..** Withdrawn: **..** Approved to Circulate: **..** Will Pay Circulators: **..** Statutory: **Y** Constitutional: **Y**

Detailed Information For : 55/2014

Initiative Number	Date Filed	Will Pay Petitioners	Statutory/ Constitutional	Signatures Required	Approved For Circulation	Current Status	Ballot Measure Number
55	01/28/2014	Yes	Statutory	87,213	05/15/2014		90

Chief Petitioner Details

Name	James Kelly				
Address	35393 HWY 19 Kimberly, OR 97848				
Contact Information	Phone: (541)934-2425 Fax:()-				

Ballot Titles

Subject (Provided by chief petitioners) (view complete text of Initiative)
Open Primary Initiative
Draft Ballot Title (view complete title received: 02/05/2014, or comments deadline: 02/20/2014)
Changes general election nomination process: provides one common primary ballot listing candidates; top two advance
Certified Ballot Title (view complete title and AG letter received: 03/07/2014) (appeal deadline: 03/21/2014)
Changes general election nomination processes: provides for single primary ballot listing candidates; top two advance
Amended Ballot Title (supreme court opinion received: 05/14/2014)
Certified Ballot Title approved without changes

Notes

SP-2014-065

03/21/2014	Appealed to Supreme Court
05/14/2014	Judgement Received. Certified Ballot Title approved with no changes.
06/23/2014	Signatures submitted for verification. 140,045 unverified signatures.
07/15/2014	Signature verification complete. Petition contains 91,716 valid signatures, or 66.04% of the 138,886 signatures accepted for verification. Qualified to the ballot for the November 4, 2014, General Election.

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Oregon Secretary of State

Elections Division

Initiative, Referendum, and Referral Search

Detailed Display: 1 records

Search Date: Wednesday 01/27/2021

Election Year: **2014**
 Keyword: **..** Active: **..** Qualified: **..** Rejected: **..** Withdrawn: **..** Approved to Circulate: **..** Will Pay Circulators: **..** Statutory: **Y** Constitutional: **Y**

Detailed Information For : 44/2014

Initiative Number	Date Filed	Will Pay Petitioners	Statutory/ Constitutional	Signatures Required	Approved For Circulation	Current Status	Ballot Measure Number
44	01/03/2014	Yes	Statutory	87,213	05/14/2014		92

Chief Petitioner Details

Name	Scott Bates	Name	Aurora Paulsen		
Address	10956 SW Bretton Court Tigard, OR 97224	Address	915 SE Harney Street Portland, OR 97202		
Contact Information	Phone: (310)804-4661 Fax:()-	Contact Information	Phone: ()- Fax:()-		

Ballot Titles

Subject (Provided by chief petitioners) (view complete text of Initiative)
Labeling of Genetically Engineered Raw and Packaged Food
Draft Ballot Title (view complete title received: 01/13/2014, or comments deadline: 01/28/2014)
Measure requires food manufacturers and retailers to label genetically-engineered foods, provides for citizen lawsuit
Certified Ballot Title (view complete title and AG letter received: 02/12/2014) (appeal deadline: 02/27/2014)
Requires food manufacturers, retailers to label "genetically engineered" foods as such; state, citizens may enforce
Amended Ballot Title (view complete title received: 05/12/2014) or (supreme court opinion received: 05/12/2014)
Requires food manufacturers, retailers to label "genetically engineered" foods as such; state, citizens may enforce

Notes

SP-2014-055
02/27/2014 Appealed to Supreme Court
05/12/2014 Judgement received. Certified Ballot Title Modified.
07/02/2014 Signatures submitted for verification. 156,390 unverified signatures.
07/23/2014 Signature verification complete. Petition contains 118,780 valid signatures, or 79.41% of the 149,588 signatures accepted for verification. Qualified to the ballot for the November 4, 2014, General Election.

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Detailed Display: 1 records

Search Date: Wednesday 01/27/2021

Election Year	Keyword	Active	Qualified	Rejected	Withdrawn	Approved to Circulate	Will Pay Circulators	Statutory	Constitutional
2014	..	..	..	..	..	..	..	Y	Y

Detailed Information For : 53/2014

Initiative Number	Date Filed	Will Pay Petitioners	Statutory/ Constitutional	Signatures Required	Approved For Circulation	Current Status	Ballot Measure Number
53	01/28/2014	Yes	Statutory	87,213	03/28/2014		91

Chief Petitioner Details

Name	Anthony Johnson				
Address	5704 N Missouri Avenue Portland, OR 97217				
Contact Information	Phone: (503)752-3966 Fax:()-				

Ballot Titles

Subject (Provided by chief petitioners) (view complete text of Initiative)
Control, Regulation, and Taxation of Marijuana and Industrial Hemp Act of 2014
Draft Ballot Title (view complete title received: 02/05/2014, or comments deadline: 02/20/2014)
Allows possession, manufacture, sale of marijuana by/to adults, subject to state licensing, regulation, taxation
Certified Ballot Title (view complete title and AG letter received: 03/07/2014) (appeal deadline: 03/21/2014)
Allows possession, manufacture, sale of marijuana by/to adults, subject to state licensing, regulation, taxation
Amended Ballot Title
No appeal filed

Notes

SP-2014-063
06/26/2014 Signatures submitted for verification. 145,030 unverified signatures.
07/22/2014 Signature verification complete. Petition contains 88,584 valid signatures, or 64.41% of the 137,537 signatures accepted for verification. Qualified to the ballot for the November 4, 2014, General Election.

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Initiative, Referendum, and Referral Search

Detailed Display: 1 records

Search Date: Wednesday 01/27/2021

Election Year: **2012**
 Keyword: **..** Active: **..** Qualified: **..** Rejected: **..** Withdrawn: **..** Approved to Circulate: **..** Will Pay Circulators: **..** Statutory: **Y** Constitutional: **Y**

Detailed Information For : 21/2012

Initiative Number	Date Filed	Will Pay Petitioners	Statutory/ Constitutional	Signatures Required	Approved For Circulation	Current Status	Ballot Measure Number
21	07/18/2011	Yes	Statutory	87,213	04/11/2012		81

Chief Petitioner Details

Name	Fred Girod	Name	Rod Monroe	Name	David Schamp
Address	1006 W 11th St Vancouver, WA 98660	Address	1006 W 11th St Vancouver, WA 98660	Address	1006 W 11th St Vancouver, WA 98660
Contact Information	Phone: ()- Fax:()-	Contact Information	Phone: ()- Fax:()-	Contact Information	Phone: ()- Fax:()-

Ballot Titles

Subject (Provided by chief petitioners) (view complete text of Initiative)
Protect Our Salmon Act 2012
Draft Ballot Title (view complete title received: 07/26/2011, or comments deadline: 08/09/2011)
Bans Columbia River commercial salmon fishing with gillnets by non-tribal persons, allows seine nets instead
Certified Ballot Title (view complete title and AG letter received: 08/24/2011) (appeal deadline: 09/08/2011)
Specified commercial non-tribal fishing methods/procedures changed; recreational salmon fishers ensured minimum share of catch
Amended Ballot Title (view complete title received: 04/03/2012) or (supreme court opinion received: 03/19/2012)
Prohibits commercial non-tribal fishing with gillnets in Oregon "inland waters," allows use of seine nets

Notes

SP-2012-035
09/08/2011 Appealed to Supreme Court
04/03/2012 Judgement received. Certified Ballot Title Modified.
5/25/12 Signature submitted for verification. 92,474 unverified signatures.
6/20/12 Verification of early submittal of signatures completed. Petition contained 62,179 valid signatures, or 68.99% of the 90,132 signatures accepted for verification. Chief petitioners may submit additional signatures not later than 7/6/12.
7/6/12 Additional signatures submitted for verification. 49,977 unverified signatures.
7/17/12 Signature verification complete. Petition contained 94,304 valid signatures, or 68.3% of the 138,067 signatures accepted for verification. Qualified to the ballot for the November 2012 Election.

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Oregon Secretary of State

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Initiative, Referendum, and Referral Search

Detailed Display: 1 records

Search Date: Wednesday 01/27/2021

Election Year	Keyword	Active	Qualified	Rejected	Withdrawn	Approved to Circulate	Will Pay Circulators	Statutory	Constitutional
2012	..	..	..	..	..	..	..	Y	Y

Detailed Information For : 35/2012

Initiative Number	Date Filed	Will Pay Petitioners	Statutory/Constitutional	Signatures Required	Approved For Circulation	Current Status	Ballot Measure Number
35	12/07/2011	Yes	Constitutional	116,284	04/17/2012		85

Chief Petitioner Details

Name	Patrick Green				
Address	813 SW Alder Street STE 800A Portland, OR 97205				
Contact Information	Phone: (503)239-8029 Fax:()-				

Ballot Titles

Subject (Provided by chief petitioners) (view complete text of Initiative)
Protect Oregon's Priorities III
Draft Ballot Title (view complete title received: 12/15/2011, or comments deadline: 12/30/2011)
Amends Constitution: Allocates corporate income/excise tax "kicker" refund to additionally fund K through 12 public education
Certified Ballot Title (view complete title and AG letter received: 01/18/2012) (appeal deadline: 02/01/2012)
Amends Constitution: Allocates corporate income/excise tax "kicker" refund to additionally fund K through 12 public education
Amended Ballot Title (supreme court opinion received: 03/19/2012)
Certified Ballot Title approved without changes

Notes

SP-2012-057
02/01/2012 Appealed to Supreme Court
04/02/2012 Judgement received. Certified Ballot Title Approved.
7/6/12 Signatures submitted for verification. 205,250 unverified signatures.
7/27/12 Signature verification complete. Petition contained 134,790 valid signatures, or 65.56% of the 205,590 signatures accepted for verification. Qualified to the ballot for the November 2012 Election.

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Initiative, Referendum, and Referral Search

Detailed Display: 1 records

Search Date: Wednesday 01/27/2021

Election Year	Keyword	Active	Qualified	Rejected	Withdrawn	Approved to Circulate	Will Pay Circulators	Statutory	Constitutional
2010	..	..	Y	..	..	..	..	Y	Y

Detailed Information For : 77/2010

Initiative Number	Date Filed	Will Pay Petitioners	Statutory/ Constitutional	Signatures Required	Approved For Circulation	Current Status	Ballot Measure Number
77	01/22/2010	Yes	Statutory	82,769	04/08/2010		75

Chief Petitioner Details

Name	Matthew K. Rossman	Name	Bruce Studer		
Address	5933 Sun creek Dr Lake Oswego, OR 97035	Address	5863 Sun creek Dr Lake Oswego, OR 97035		
Contact Information	Phone: (503)968-7588 Fax:()-	Contact Information	Phone: (503)539-5851 Fax:()-		

Ballot Titles

Subject (Provided by chief petitioners) (view complete text of Initiative)
The Oregon Job Growth Education And Communities Fund Act (Part II)
Draft Ballot Title (view complete title received: 02/01/2010, or comments deadline: 02/16/2010)
Authorizes Multnomah County casino; casino to contribute monthly revenue percentage to state for specified purposes
Certified Ballot Title (view complete title and AG letter received: 03/03/2010) (appeal deadline: 03/17/2010)
Authorizes Multnomah County casino; casino to contribute monthly revenue percentage to state for specified purposes
Amended Ballot Title
No appeal filed

Notes

SP-2010-050
7/2/10 Signatures submitted for verification. 136,938 unverified signatures.
7/27/10 Signature verification complete. Qualified for the ballot for the November 2010 Election.

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EXHIBIT N



Oregon Secretary of State Elections Division Initiative, Referendum, and Referral Search

Search Results: 4 records found

Search Date: Wednesday 01/27/2021

Election Year	Keyword	Active	Qualified	Rejected	Withdrawn	Approved to Circulate	Will Pay Circulators	Statutory	Constitutional
2010	Y	..	..	..	..	Y	Y

Search Result

[View details for all](#)

IRR Number	Type	Measure Number	Subject	Chief Petitioners	Circulate Approved	Will Pay Petitioners
13	Initiative	73	Oregon Crimefighting Act	Thompson, James Mannix, Kevin Pelikan, Glenn	09/18/2008	Yes
28	Initiative	74	Regulated Medical Marijuana Supply System	Johnson, Anthony Ivany, Alice J. Klahr, James L.	08/27/2008	Yes
70	Initiative	76	Lottery funding for water, parks, and wildlife	Thorndike, Jr., William Pape, Mary Susan Booth, Brian	02/19/2010	Yes
77	Initiative	75	The Oregon Job Growth Education And Communities Fund Act (Part II)	Rossman, Matthew K. Studer, Bruce	04/08/2010	Yes

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Oregon Secretary of State Elections Division Initiative, Referendum, and Referral Search

Search Results: 7 records found

Search Date: Wednesday 01/27/2021

Election Year	Keyword	Active	Qualified	Rejected	Withdrawn	Approved to Circulate	Will Pay Circulators	Statutory	Constitutional
2012	Y	..	..	..	..	Y	Y

Search Result

[View details for all](#)

IRR Number	Type	Measure Number	Subject	Chief Petitioners	Circulate Approved	Will Pay Petitioners
5	Initiative	79	Protect Our Homes	Kegler, Arthur T. Cain, Barry A. Frick, James L.	08/02/2010	Yes
9	Initiative	80	Oregon Cannabis Tax Act 2012	Stanford, Douglas Paul Appel, William Norman Allen, Phillip Ray	03/24/2011	Yes
15	Initiative	84	Death Tax Phase-Out Act II	Freeman, Gerald Zielinski, Robert Bowers, Marie H.	01/27/2012	Yes
21	Initiative	81	Protect Our Salmon Act 2012	Girod, Fred Monroe, Rod Schamp, David	04/11/2012	Yes
35	Initiative	85	Protect	Green,	04/17/2012	Yes

**Oregon's
Priorities III**

Patrick

**Oregon Job
Growth,
Education
and
Communities
Fund Act
(Part I)**

36 Initiative 82

Rossman,
Matt
Studer,
Bruce

02/27/2012 Yes

**Oregon Job
Growth,
Education
and
Communities
Fund Act
(Part II)**

38 Initiative 83

Rossman,
Matt
Studer,
Bruce

02/27/2012 Yes

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Oregon Secretary of State

Elections Division

Initiative, Referendum, and Referral Search

Search Results: 4 records found

Search Date: Wednesday 01/27/2021

Election Year	Keyword	Active	Qualified	Rejected	Withdrawn	Approved to Circulate	Will Pay Circulators	Statutory	Constitutional
2014	Y	..	..	..	..	Y	Y

Search Result

[View details for all](#)

IRR Number	Type	Measure Number	Subject	Chief Petitioners	Circulate Approved	Will Pay Petitioners
34	Initiative	89	Equal Rights Amendment For Women to be Equal to Men	Littrell DiLorenzo, Leanne Gould, Erin Godfrey Scroggins, Kerry	12/20/2013	Yes
44	Initiative	92	Labeling of Genetically Engineered Raw and Packaged Food	Bates, Scott Paulsen, Aurora	05/14/2014	Yes
53	Initiative	91	Control, Regulation, and Taxation of Marijuana and Industrial Hemp Act of 2014	Johnson, Anthony	03/28/2014	Yes
55	Initiative	90	Open Primary Initiative	Kelly, James	05/15/2014	Yes

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Oregon Secretary of State Elections Division Initiative, Referendum, and Referral Search

Search Results: 4 records found

Search Date: Wednesday 01/27/2021

Election Year	Keyword	Active	Qualified	Rejected	Withdrawn	Approved to Circulate	Will Pay Circulators	Statutory	Constitutional
2016	Y	..	..	..	..	Y	Y

Search Result

[View details for all](#)

IRR Number	Type	Measure Number	Subject	Chief Petitioners	Circulate Approved	Will Pay Petitioners
28	Initiative	97	A Better Oregon VI	Cobb, Gary Illig, Laura Unger, Ben	09/01/2015	Yes
65	Initiative	98	Oregonians for High School Success Initiative	Fick, LaToya Rubio, Carmen Kulongoski, Ted	03/22/2016	Yes
67	Initiative	99	Outdoor School for All	Vernier, Christine Prince, Daniel Packard, Carol	01/22/2016	Yes
68	Initiative	100	Save Endangered Animals	Starr, Bruce Blumenauer, Earl Hughes, Thomas M.	01/13/2016	Yes

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Oregon Secretary of State Elections Division Initiative, Referendum, and Referral Search

Search Results: 4 records found

Search Date: Wednesday 01/27/2021

Election Year	Keyword	Active	Qualified	Rejected	Withdrawn	Approved to Circulate	Will Pay Circulators	Statutory	Constitutional
2018	Y	..	..	..	..	Y	Y

Search Result

[View details for all](#)

IRR Number	Type	Measure Number	Subject	Chief Petitioners	Circulate Approved	Will Pay Petitioners
1	Initiative	106	Stop Taxpayer Funding for Abortion Act of 2018	Jimerson, Jeff Shannon, Marylin Belatti, Suzanne	02/24/2017	Yes
22	Initiative	105	Stop Oregon Sanctuaries	Nearman, Mike Esquivel, Sal Barreto, Greg	10/11/2017	Yes
31	Initiative	104	A Tax is a Tax Amendment	Mehrwein, Alan Kegler, Art DeGroot, Derrick	01/29/2018	Yes
37	Initiative	103	Yes! Keep Our Groceries Tax-Free!	Brake, Ron Hannigan, Syd	03/07/2018	Yes

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EXHIBIT O



Oregon Secretary of State Elections Division Initiative, Referendum, and Referral Search

Detailed Display: 1 records

Search Date: Monday 01/25/2021

Election Year	Keyword	Active	Qualified	Rejected	Withdrawn	Approved to Circulate	Will Pay Circulators	Statutory	Constitutional
2020	..	..	..	..	..	..	..	Y	Y

Detailed Information For : 45/2020

Initiative Number	Date Filed	Will Pay Petitioners	Statutory/Constitutional	Signatures Required	Approved For Circulation	Current Status	Ballot Measure Number
45	10/02/2019	Yes	Statutory	112,020	03/09/2020	Withdrawn	Not Certified

Chief Petitioner Details

Name	Kate Crump	Name	Vikram Anantha	Name	Micha Elizabeth Gross
Address	PO Box 152 Rockaway Beach, OR 97136	Address	7833 SE 16th Ave Portland, OR 97202	Address	99386 Middle Creek Rd Myrtle Point, OR 97458
Contact Information	Phone: (541)743-1273 Fax:()-	Contact Information	Phone: (503)753-6728 Fax:()-	Contact Information	Phone: ()- Fax:()-

Ballot Titles

Subject (Provided by chief petitioners) (view complete text of Initiative)
Oregon Forest Water Protections 1
Draft Ballot Title (view complete title received: 11/05/2019, or comments deadline: 11/20/2019)
Expands area around forest waterbodies where aerial pesticide spraying is prohibited, logging operations are limited
Certified Ballot Title (appeal deadline: 12/20/2019)
Expands area around forest waterbodies where aerial pesticides are prohibited and where logging operations limited
Amended Ballot Title (supreme court opinion received: 03/05/2020)
Certified Ballot Title approved without changes

Notes

10/02/2019 Prospective petition filed. To begin the ballot title drafting process, chief petitioners must submit 1,000 sponsorship signatures.
10/14/2019 Sponsorship signatures submitted for verification.
10/29/2019 Signature verification of sponsorship signatures completed. Petition contains 1,188 signatures.
12/20/2019 Appealed to Supreme Court.
03/06/2020 Judgement Received from Supreme Court. Ballot Title approved with no changes.
3/09/2020 Approved to circulate on pastel blue paper stock for any petition sheet that will be circulated by paid circulators.
04/07/2020 Withdrawn by chief petitioners.

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Initiative, Referendum, and Referral Search

Detailed Display: 1 records

Search Date: Monday 01/25/2021

Election Year	Keyword	Active	Qualified	Rejected	Withdrawn	Approved to Circulate	Will Pay Circulators	Statutory	Constitutional
2020	..	..	..	..	..	..	..	Y	Y

Detailed Information For : 46/2020

Initiative Number	Date Filed	Will Pay Petitioners	Statutory/Constitutional	Signatures Required	Approved For Circulation	Current Status	Ballot Measure Number
46	10/02/2019	Yes	Statutory	112,020	03/09/2020		Not Certified

Chief Petitioner Details

Name	Kate Crump	Name	Vikram Anantha	Name	Micha Elizabeth Gross
Address	PO Box 152 Rockaway Beach, OR 97136	Address	7833 SE 16th Ave. Portland, OR 97202	Address	99386 Middle Creek Rd Myrtle Point, OR 97458
Contact Information	Phone: (541)743-1273 Fax:()-	Contact Information	Phone: (503)753-6728 Fax:()-	Contact Information	Phone: (541)572-3295 Fax:()-

Ballot Titles

Subject (Provided by chief petitioners) (view complete text of Initiative)
Oregon Forest Water Protections 2
Draft Ballot Title (view complete title received: 11/06/2019, or comments deadline: 11/21/2019)
Expands area around forest waterbodies where aerial pesticide spraying prohibited; increases notice requirements for spraying
Certified Ballot Title (view complete title and AG letter received: 12/09/2019) (appeal deadline: 12/23/2019)
Expands area around forest waterbodies where aerial pesticide spraying prohibited; increases notice requirements for spraying
Amended Ballot Title (supreme court opinion received: 03/05/2020)

Certified Ballot Title approved without changes

Notes

10/02/2019 Prospective petition filed. To begin the ballot title drafting process, chief petitioners must submit 1,000 sponsorship signatures.
--

10/15/2019 Sponsorship signatures submitted for verification.

10/29/2019 Signature verification of sponsorship signatures completed. Petition contains 1,233 signatures.
--

12/23/2019 Appealed to Supreme Court.

03/06/2020 Judgement Received from Supreme Court. Ballot Title approved with no changes.
--

3/09/2020 Approved to circulate on pastel blue paper stock for any petition sheet that will be circulated by paid circulators.
--

04/07/2020 Withdrawn by chief petitioners.
--

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Initiative, Referendum, and Referral Search

Detailed Display: 1 records

Search Date: Monday 01/25/2021

Election Year: **2020**
 Keyword: **..** Active: **..** Qualified: **..** Rejected: **..** Withdrawn: **..** Approved to Circulate: **..** Will Pay Circulators: **..** Statutory: **Y** Constitutional: **Y**

Detailed Information For : 60/2020

Initiative Number	Date Filed	Will Pay Petitioners	Statutory/Constitutional	Signatures Required	Approved For Circulation	Current Status	Ballot Measure Number
60	12/09/2019	No	Statutory	112,020	04/28/2020		Not Certified

Chief Petitioner Details

Name	Walter John Knutson III	Name	Michael Z. Cahana	Name	Alcena E. Boozer
Address	4526 NE 27th Ave. Portland, OR 97211	Address	3139 SW Fairmount Blvd. Portland, OR 97239	Address	5256 NE 48th Ave. Portland, OR 97218
Contact Information	Phone: (503)288-6174 Fax:()-	Contact Information	Phone: (503)577-4814 Fax:()-	Contact Information	Phone: (503)544-9773 Fax:()-

Ballot Titles

Subject (Provided by chief petitioners) (view complete text of Initiative)
Reduction of Gun Violence Act through Regulation of Semiatomatic Firearms and Large-Capacity Ammunition Magazines
Draft Ballot Title (view complete title received: 01/14/2020, or comments deadline: 01/29/2020)
Certain semiautomatic firearms sold/transferred through gun dealers only; adds purchase restrictions, magazine capacity limits
Certified Ballot Title (view complete title and AG letter received: 02/13/2020) (appeal deadline: 02/28/2020)
Adds restrictions on certain semiautomatic firearm purchases/transfers; prohibits ammunition magazines over ten rounds; exceptions
Amended Ballot Title (supreme court opinion received: 04/09/2020)

Certified Ballot Title approved without changes

Notes

12/09/2019 Prospective petition filed. To begin the ballot title drafting process, chief petitioners must submit 1,000 sponsorship signatures.
--

12/19/2019 Sponsorship signatures submitted for verification.

01/06/2020 Signature verification of sponsorship signatures completed. Petition contains 1,210 signatures.
--

02/28/2020 Appealed to Supreme Court

04/10/2020 Judgement Received from Supreme Court. Ballot Title approved with no changes.
--

04/28/2020 Approved to circulate on white paper stock for any petition sheet that will be circulated by volunteer circulators.
--

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EXHIBIT P

https://www.columbiagorgeneews.com/free_news/thomsen-recall-folds-up-short-of-needed-signatures/article_6e13db61-eb9e-5d9a-b3ce-e42f934ec10d.html

Thomsen recall folds up short of needed signatures

Jun 10, 2020

The recall effort against Sen. Chuck Thomsen has failed.

Chief petitioner Lara Dunn of Hood River said Monday said COVID restrictions impeded efforts to gather enough signatures by the June 2 deadline. She said signature gatherers collected 2,600 signatures in just a few weeks. Dunn initiated the recall attempt in response to Thomen's participation with other Republican legislators in walking out of the 2019 Legislative session and leaving the state over their disagreement with the Democrat-led proposed legislation on carbon cap and trade.

"We were on track to gather the required 9,025 signatures, well ahead of the June 2 deadline," Dunn said. Petitioners gathered about 3,000 signatures total, she said.

"However, because of the restrictions required to keep Oregonians safe during the COVID-19 crisis, in-person signature gathering had to stop abruptly, and it became impossible to maintain our pace. Still, hundreds more voters took action individually by locating the petition online, printing it, and mailing in their signatures.

"I am certain that had we not been held back by social distancing measures, Sen. Chuck Thomsen would be subject to a recall vote right now.

“My neighbors and community members know that Senator Thomsen’s actions harmed our community by blocking bills that would have stimulated small business growth, strengthened schools, protected healthcare, paid for search and rescue, and provided emergency funding for housing, floods, and wildfires,” Dunn said.

Thomsen said in an email statement, “My colleague, Oregon Senate President Peter Courtney, was quoted recently saying, ‘This is a time when there is no politics.’ I couldn’t agree more. The last thing we need is fiercely divided communities and partisan politics during this COVID crisis. I’m humbled and grateful for the bipartisan support I’ve received from local people in my district. We need to get back to basics and focus on essential services to get our families and small business owners back on their feet. We don’t have time or money for more grand experiments or expensive new government programs. I’m focused on pushing our state government to deliver for people in need right now, especially those who have been waiting for months for their unemployment checks that they need to make ends meet.”

EXHIBIT Q



Oregon Secretary of State

Elections Division

Initiative, Referendum, and Referral Search

Detailed Display: 1 records

Search Date: Wednesday 01/27/2021

Election Year: **2020**
 Keyword: **..** Active: **..** Qualified: **..** Rejected: **..** Withdrawn: **..** Approved to Circulate: **..** Will Pay Circulators: **..** Statutory: **Y** Constitutional: **Y**

Detailed Information For : 34/2020

Initiative Number	Date Filed	Will Pay Petitioners	Statutory/ Constitutional	Signatures Required	Approved For Circulation	Current Status	Ballot Measure Number
34	07/02/2019	Yes	Statutory	112,020	09/26/2019		109

Chief Petitioner Details

Name	Thomas Eckert	Name	Sheri Eckert		
Address	3511 NE Couch St. Portland, OR 97232	Address	3511 NE Couch St. Portland, OR 97232		
Contact Information	Phone: (971)275-2590 Fax:()-	Contact Information	Phone: (858)337-5709 Fax:()-		

Ballot Titles

Subject (Provided by chief petitioners) (view complete text of Initiative)
Oregon Psilocybin Services Act
Draft Ballot Title (view complete title received: 08/07/2019, or comments deadline: 08/21/2019)
Creates regulatory program allowing licensed manufacture, delivery, and administration of psilocybin (psychoactive substance from fungus)
Certified Ballot Title (view complete title and AG letter received: 09/06/2019) (appeal deadline: 09/20/2019)
Allows manufacture, delivery, administration of psilocybin at supervised, licensed facilities; imposes two-year development period
Amended Ballot Title
No appeal filed

Notes

07/02/2019 Prospective petition filed. To begin the ballot title drafting process, chief petitioners must submit 1,000 sponsorship signatures.
07/16/2019 Sponsorship signatures submitted for verification.
07/30/2019 Signature verification of sponsorship signatures completed. Petition contains 1,202 signatures.
09/23/2019 Official templates issued.
09/26/2019 Approved to circulate on white paper stock for any petition sheet that will be circulated by volunteer circulators.
11/26/2019 Approved to circulate on green paper stock for any petition sheet that will be circulated by paid circulators.
04/24/2020 Chief petitioners submitted 24,174 signatures gathered during the previous month by all individuals paid to circulate for the total of 126,964.
05/22/2020 Signatures submitted for verification. 135,573 unverified signatures.
06/23/20 Signature verification of early submittal complete. Petition contains 106,908 valid signatures, or 82.12% of the 130,179 signatures accepted for verification. Chief petitioners may submit additional signatures not later than 07/02/20.
06/29/2020 Additional signatures submitted for verification. 31,209 unverified signatures.
07/08/2020 Signature verification has been completed. IP 2020-034 contains 132,465 valid signatures, or 82.30% of the 160,963 signatures accepted for verification. Petition has qualified for the November 3, 2020, General Election ballot. The total number of signatures accepted for verification includes sponsorship (1,999), primary (154,010) and supplemental (30,784) signature submittals.
8/12/2020 Measure 109

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EXHIBIT R



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Elections Division

Initiative, Referendum, and Referral Search

Detailed Display: 1 records

Search Date: Friday 02/05/2021

Election Year: **2020**
 Keyword: **..** Active: **..** Qualified: **..** Rejected: **..** Withdrawn: **..** Approved to Circulate: **..** Will Pay Circulators: **..** Statutory: **Y** Constitutional: **Y**

Detailed Information For : 44/2020

Initiative Number	Date Filed	Will Pay Petitioners	Statutory/Constitutional	Signatures Required	Approved For Circulation	Current Status	Ballot Measure Number
44	08/15/2019	Yes	Statutory	112,020	11/26/2019		110

Chief Petitioner Details

Name	Anthony Johnson	Name	Haven Wheelock	Name	Janie Gullickson
Address	5704 N Missouri Avenue Portland, OR 97203	Address	4231 SE 33rd Place Portland, OR 97202	Address	22092 S Dans Avenue Beavercreek, OR 97004
Contact Information	Phone: (503)752-3966 Fax:()-	Contact Information	Phone: (971)373-3904 Fax:()-	Contact Information	Phone: (971)241-6677 Fax:()-

Ballot Titles

Subject (Provided by chief petitioners) (view complete text of Initiative)
Drug Addiction Treatment and Recovery Act
Draft Ballot Title (view complete title received: 09/20/2019, or comments deadline: 10/04/2019)
Decriminalizes personal, non-commercial possession of most drugs; establishes fund to create addiction recovery centers
Certified Ballot Title (view complete title and AG letter received: 10/21/2019) (appeal deadline: 11/04/2019)
Provides statewide addiction/recovery services; marijuana taxes partially finance; reclassifies possession/penalties for specified drugs
Amended Ballot Title
No appeal filed

Notes

8/15/2019 Prospective petition filed. To begin the ballot title drafting process, chief petitioners must submit 1,000 sponsorship signatures.
8/28/2019 Sponsorship signatures submitted for verification.
9/12/2019 Signature verification of sponsorship signatures completed. Petition contains 1,855 signatures.
11/15/2019 Official templates issued
11/26/2019 Approved to circulate on salmon paper stock for any petition sheet that will be circulated by paid circulators. White paper stock is reserved for volunteer circulators.
4/24/2020 Chief petitioners submitted 22,941 signatures gathered during the previous month by all individuals paid to circulate for the total of 142,391.
5/22/2020 Signatures submitted for verification. 147,339 unverified signatures.
6/05/2020 5,476 additional signatures submitted for verification. 152,815 unverified signatures.
6/15/2020 5,794 additional signatures submitted for verification. 158,609 unverified signatures.
6/19/2020 4,864 additional signatures submitted for verification. 163,473 unverified signatures.
6/30/2020 Signature verification has been completed. IP 2020-044 contains 116,622 valid signatures, or 74.75% of the 156,009 signatures accepted for verification. Petition has qualified for the November 3, 2020, General Election ballot. The total number of signatures accepted for verification includes sponsorship (1,999) and primary (154,010) signature submittals.
8/12/2020 Measure 110

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EXHIBIT S



Oregon Secretary of State

Elections Division

Initiative, Referendum, and Referral Search

Detailed Display: 1 records

Search Date: Thursday 01/28/2021

Election Year: **2018**
 Keyword: **..** Active: **..** Qualified: **..** Rejected: **..** Withdrawn: **..** Approved to Circulate: **..** Will Pay Circulators: **..** Statutory: **Y** Constitutional: **Y**

Detailed Information For : 1/2018

Initiative Number	Date Filed	Will Pay Petitioners	Statutory/Constitutional	Signatures Required	Approved For Circulation	Current Status	Ballot Measure Number
1	06/27/2016	Yes	Constitutional	117,578	02/24/2017		106

Chief Petitioner Details

Name	Jeff Jimerson	Name	Marylin Shannon	Name	Suzanne Belatti
Address	PO Box 1620 Corvallis, OR 97339	Address	7955 Portland Rd NE Brooks, OR 97305	Address	15413 NE Andra Pl Portland, OR 97230
Contact Information	Phone: (541)286-3039 Fax:()-	Contact Information	Phone: (503)559-3011 Fax:()-	Contact Information	Phone: (503)333-4083 Fax:()-

Ballot Titles

Subject (Provided by chief petitioners) (view complete text of Initiative)
Stop Taxpayer Funding for Abortion Act of 2018
Draft Ballot Title (view complete title received: 07/22/2016, or comments deadline: 08/05/2016)
Amends Constitution: Prohibits state from spending "public funds" (defined) for "abortion" (defined); reduces abortion access
Certified Ballot Title (view complete title and AG letter received: 08/22/2016) (appeal deadline: 09/06/2016)
Amends Constitution: Prohibits spending "public funds" (defined) directly/indirectly for "abortion" (defined); exceptions; reduces abortion access
Amended Ballot Title (view complete title received: 02/03/2017)

Notes

06/27/2016 Prospective petition filed. To begin the ballot title drafting process, chief petitioners must submit 1,000 sponsorship signatures.
07/14/2016 Signature verification of sponsorship signatures completed. Petition contains 1,768 signatures.
09/07/2016 Appealed to Supreme Court.
02/03/2017 Judgement Received. Certified Ballot Title modified by Attorney General.
07/06/2018 Signatures submitted for verification. 139,286 unverified signatures.
07/27/2018 Verification of signatures has been completed. Petition contains 117,799 valid signatures, or 85.52% of the 137,741 signatures accepted for verification. Qualified for the November 6, 2018, General Election ballot. The total number of signatures accepted includes sponsorship (1,914) and primary (135,827) signature submittals.

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Initiative, Referendum, and Referral Search

Detailed Display: 1 records

Search Date: Thursday 01/28/2021

Election Year	Keyword	Active	Qualified	Rejected	Withdrawn	Approved to Circulate	Will Pay Circulators	Statutory	Constitutional
2020	..	..	..	..	..	..	..	Y	Y

Detailed Information For : 13/2020

Initiative Number	Date Filed	Will Pay Petitioners	Statutory/ Constitutional	Signatures Required	Approved For Circulation	Current Status	Ballot Measure Number
13	10/03/2018	Yes	Constitutional	149,360			Not Certified

Chief Petitioner Details

Name	Julie Parrish	Name	Mark Johnson	Name	Kim Sordyl
Address	1968 Carriage Way West Linn, OR 97068	Address	3370 Fir Mountain Road Hood River, OR 97031	Address	311 NW 12th Ave. #1001 Portland, OR 97209
Contact Information	Phone: (503)744-0938 Fax:()-	Contact Information	Phone: (541)308-5306 Fax:()-	Contact Information	Phone: ()- Fax:()-

Ballot Titles

Subject (Provided by chief petitioners) (view complete text of Initiative)
No Debt for Public Pensions
Draft Ballot Title (view complete title received: 05/07/2019, or comments deadline: 05/21/2019)
Amends Constitution: Creates provision stating public pensions may not accrue unfunded actuarial liability after 2022. Effect unclear.
Certified Ballot Title (view complete title and AG letter received: 06/06/2019) (appeal deadline: 06/20/2019)
Amends Constitution: Governments may not "accrue" unfunded actuarial liability for public pensions; Treasurer calculates; effects unclear
Amended Ballot Title (view complete title received: 11/15/2019) or (supreme

[court opinion](#) received: 11/14/2019)

Amends Constitution: Public pensions may not "accrue" (undefined) unfunded actuarial liability; Treasurer calculates; prohibits borrowing to comply

Notes

10/03/2018 Prospective petition filed. To begin the ballot title drafting process, chief petitioners must submit 1,000 sponsorship signatures.

04/15/2019 Sponsorship signatures submitted for verification.

04/29/2019 Signature verification of sponsorship signatures completed. Petition contains 1,518 signatures.

06/20/2019 Appealed to Supreme Court.

11/15/2019 Judgement Received. Certified Ballot Title modified by Attorney General.

END OF SEARCH

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CERTIFICATE OF SERVICE

I hereby certify that on February 24, 2021, I electronically filed the foregoing **DECLARATION OF DANIEL W. MEEK** with the Clerk of the Court for the U.S. District Court of Oregon by using the CM-ECF system.

I certify that all participants in the case are registered CM-ECF users and that services will be accomplished by the CM-ECF system.

Dated: February 24, 2021

/s/ Daniel Meek

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and C. NORMAN TURRILL