

End Immunity for Politicians Act

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3 Send

Return the stapled sheets to:

Ridgelark Strategies: Petitions
1980 Willamette Falls Drive
#120-293
West Linn, OR 97068

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Electronic Signature Sheet | State Initiative

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Petition ID

10

November 8, 2022
General Election
SPONSORSHIP

Text must be attached at all time. Do not sign if text is not attached to this sheet.

Chief Petitioners

Jeff Barker
18340 SW Monte Verdi Blvd
Beaverton, OR 97007

Anil Karia
3117 NE 32nd Avenue
Portland, OR 97212

Daryl Turner
21787 NE Larkspur Lane
Fairview, OR 97024

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Request I request the text of this prospective initiative be forwarded to the Attorney General for preparation of a ballot title.

SAME PERSON

Signature Date Signed mm/dd/yy

Certification I certify that I personally printed a copy of this sheet or requested a separate person print a copy so that I may sign it.

Signature Date Signed mm/dd/yy

Print Name Residence Address street, city, zip code

Sheet Number
Completed by Chief Petitioner
LEAVE SHEET NUMBER BLANK

Be It Enacted by the People of the State of Oregon:

SECTION 1. The people of Oregon find that:

(1) A free democratic society necessitates independent oversight and accountability of elected officials;

(3) Examples of gross misconduct and corrupt politicians around the country, including in Pennsylvania, Illinois, New York, and other states, shows a need for stricter protections and accountability measures;

(4) State Legislators are uniquely situated to deprive people of their rights and their safety through broad Legislative actions;

(5) In order to ensure State Legislators and other public officials are thoughtful about exercising their authorities, Oregonians should have the ability to personally hold them to account.

Ending Immunity for Politicians

SECTION 2. (1) A member of the Legislative Assembly, an elected member of a City Council for a City with a population greater than 500,000, or a member of any board that has the authority to discipline public employees employed by a City with a population greater than 500,000, who, through their official duties, subjects or causes to be subjected any person to the deprivation of any individual rights that create binding obligations on government actors secured by Article I of the Oregon Constitution, or the United States Constitution, is liable to the injured party for legal or equitable relief or any other appropriate relief.

(2) Statutory immunities and statutory limitations on liability, damages, or attorney fees do not apply to claims brought pursuant to this section.

(3) Neither sovereign, absolute, nor qualified immunity is a defense to liability pursuant to this section. Any such privileges and immunities are hereby waived.

SECTION 3. In any action brought pursuant to Section 2 of this Act:

(1) A court shall award reasonable attorney fees and costs to a prevailing plaintiff. In actions for injunctive relief, a court shall deem a plaintiff to have prevailed if the plaintiff's suit was a substantial factor or significant catalyst in obtaining the results sought by the litigation.

(2) When a judgment is entered in favor of a defendant, the court may award reasonable costs and attorney fees to the defendant for defending any claims the court finds frivolous.

(3) If a defendant's portion of judgment is uncollectable from the defendant and the defendant is an elected official, the jurisdiction represented by the defendant or its insurance shall satisfy the full amount of the judgment or settlement.

SECTION 4. A civil action pursuant to Section 2 of this Act must be commenced within 3 years after the cause of action accrues.

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Protect Free Speech and Safe Streets Act

11

Page 1 of 2

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Sheet Number
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Be It Enacted by the People of the State of Oregon:**SECTION 1.** The people of Oregon find that:

- (1) The ability to speak freely is a fundamental right held by all Oregonians;
- (2) Protests and demonstrations are vital parts to a vibrant democracy and a core feature of the freedom to speak;
- (3) All Oregonians are entitled to use the public streets and sidewalks; and
- (4) Localities must balance the rights of all individuals wishing to speak and use the public streets using reasonable time, space and manner regulations that meet all constitutional safeguards and are enforced without fear or bias.

Creating Safe Streets for Free Speech

SECTION 2. (1) Notwithstanding any other provision of Oregon law, each County, City or other municipality shall create a comprehensive plan for allowing peaceful demonstrations and protests to occur on public streets and sidewalks.

(2) This comprehensive plan shall include constitutionally sound and reasonable regulations that balance the interests of maintaining robust public discourse with ensuring that the rest of the public has the ability to navigate the jurisdiction, use its public streets and sidewalks, and obtain sleep at reasonable hours of the night

(3) This comprehensive plan shall include, at a minimum, the following reasonable time, space and manner restrictions that shall be immediately enforced at all times unless constitutionally prohibited:

(a) A prohibition on public gatherings which create noise that can be heard one block or one-quarter mile away from the gathering after the hour of 10:00pm in a residential neighborhood or after the hour of 12:00am at any location, until the following morning;

(b) A prohibition on the creation of blockades and other barriers that prevent the normal use of the sidewalks and streets by the public;

(c) A prohibition on the destruction of any public or private property;

(d) A prohibition on the setting of any fires in any location not specifically designed for a fire to be set; and,

(e) A prohibition on the possession or use of riotous agents by the persons present at a public gathering that has been declared an unlawful assembly. Localities may define riotous agents but shall include at least:

- (A) Fireworks;
- (B) Flammable explosives; and,
- (C) Laser Pointers.

(4) This comprehensive plan shall prohibit the imposition of fees or permitting for a lawful protest or demonstration to occur. The plan may allow for fees or permitting if the protest or demonstration wishes to request the services of the locality in facilitating its protest or demonstration.

(5) No comprehensive plan may regulate or prohibit protest or demonstration activity based on the nature of the speakers or the content of the speech.

(6) The comprehensive plan shall include provisions that require law enforcement personnel who interact with a protest or demonstration to prominently display identification information that will facilitate identification of the law enforcement personnel for the filing of complaints.

(7) The comprehensive plan shall include detailed policy on what types of munitions and/or crowd control use of force may be implemented by law enforcement agencies interacting with demonstrations and/or protests and under what general circumstances such munitions and/or crowd control use of force will be permitted.

(8) The comprehensive plan shall include detailed policy describing under what general circumstances a protest and/or demonstration will be declared and unlawful assembly and/or riot

SECTION 3. (1) Notwithstanding another other provision of Oregon law, a municipality that fails to enforce the comprehensive plan to protect free speech and safe streets is liable to any citizen affected by the municipalities' inaction and may bring a cause of action under this section for damages.

(2) Damages shall be the greater of actual damages or \$1,000 whichever is greater

(3) It shall be sufficient proof that a citizen was affected by the municipalities' inaction if the citizen presents evidence that they were located within one block or one-quarter mile away from the gathering when the failure to enforce the comprehensive plan occurred

(4) Courts shall be authorized to issue injunctive and declaratory relief to ensure the comprehensive plan is enforced by the municipality and may issue any contempt orders necessary to gain the compliance of any individual public officer who fails to ensure the comprehensive plan is enforced.

SECTION 4. In any action brought pursuant to Section 3 of this Act:

(1) A court shall award reasonable attorney fees and costs to a prevailing plaintiff. In actions for injunctive relief, a court shall deem a plaintiff to have prevailed if the plaintiff's suit was a substantial factor or significant catalyst in obtaining the results sought by the litigation.

(2) When a judgment is entered in favor of a defendant, the court may award reasonable costs and attorney fees to the defendant for defending any claims the court finds frivolous.

SECTION 5. A civil action pursuant to Section 3 of this Act must be commenced within 3 years after the cause of action accrues.

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Ethics in Politics Act

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Print Name

Residence Address street, city, zip code

Sheet Number
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Be It Enacted by the People of the State of Oregon:

SECTION 1. The people of the State of Oregon find that:

- (1) A free society requires independent oversight and accountability of elected officials;
 - (2) Examples of gross misconduct and corrupt politicians around the country show a need for stricter accountability of lawmakers and politicians; and
 - (3) State Legislators should be accountable to an independent Ethics Commission with meaningful disciplinary powers.
- (4) **THIS MEASURE DOES THE FOLLOWING:**
- (a) Makes the current Ethics Commission more independent, and allows it to develop and enforce high standards of conduct;
 - (b) Holds Legislators accountable for violations of existing laws;
 - (c) Requires Legislators to report misconduct that they witness; and
 - (d) Provides for transparency of records with regard to Legislators' misconduct.
- (5) **Nothing in this measure limits or eliminates any existing powers of the Oregon Government Ethics Commission.**

AN INDEPENDENT ETHICS COMMISSION

SECTION 2. Subsections 1 and 2 of ORS 244.250 are repealed (and replaced with the subsections in Section 3 of this Act).

SECTION 3. The following subsections are added to ORS 244.250:

- (1) The Oregon Government Ethics Commission is established, consisting of seven members. Members shall be appointed the Chief Justice of the Oregon Supreme Court. All seven members must be retired judges.
- (2) A person who holds any public office listed in ORS 244.050(1) except as a member of the commission may not be appointed to the commission.
- (3) The Commission shall adopt rules that prescribe:
 - (a) Uniform standards of conduct, including guidelines and procedures, to which members of the Legislative Assembly and legislative officials shall adhere, which shall include reasonable rules and limitations prohibiting the expenditure of public money on family, friends, or business relationships, and a prohibition on dishonesty in advertisements or official conduct; and
 - (b) Appropriate levels of discipline for misconduct, which may include economic sanctions, removal from employment as a legislative official, or recommendation of removal from office.

SETTING HIGH STANDARDS

SECTION 4. The following sections are added to and made a part of ORS 244:

SECTION 5. A finding of misconduct or a violation of rules or law by a member of the State Legislature or legislative official made by the Oregon Government Ethics Commission may not be appealed, except on the defense that the underlying misconduct did not occur.

SECTION 6. Notwithstanding ORS 171.072, the Oregon Government Ethics Commission may choose to impose economic sanctions against a member of the Legislative Assembly by limiting the member's salary, allowance, or other

compensation before it is received by the member.

SECTION 7. If the Commission recommends that a member of the Legislative Assembly is to be removed from office, the Legislative Assembly shall vote on the question of expulsion of that member pursuant to Article IV, Section 15 of the Oregon Constitution within 7 calendar days in which the Legislative Assembly is convened in a regular, organizational, or emergency session. If such recommendation is due to a violation of state or federal law, the Commission may declare the person ineligible to serve the State of Oregon or any of its political subdivisions or any other public body as defined in ORS 174.109 as an elected or appointed official for a period of not more than 4 years, except as superseded by the Oregon Constitution.

DUTY TO REPORT MISCONDUCT

SECTION 8. (1) A member of the Legislative Assembly or legislative official shall intervene to prevent or stop another member of the Legislative Assembly or legislative official engaged in any act the intervening person knows or reasonably should know is misconduct.

(2) A member of the Legislative Assembly or legislative official who knows or should reasonably know that another member of the Legislative Assembly or legislative official has engaged in misconduct shall report the misconduct to the Oregon Government Ethics Commission as soon as practicable, but no later than 72 hours after witnessing or becoming aware of the misconduct.

(3) A member of the Legislative Assembly or legislative official under investigation by the Oregon Government Ethics Commission shall fully comply with all investigator requests, including the production of all requested materials, evidence and testimony.

(4) All records of complaints, investigations, and dispositions shall be made publicly accessible on the Commission's website, except for such information that is otherwise exempt from public disclosure.

(5) For the purposes of this Act, "Misconduct" means:

- (a) A violation of State or Federal law, including requirements applicable to public officials in ORS 171 and 244 and requirements applicable to candidates in ORS 259 and 260;
- (b) A violation of any rules or standards adopted by the Commission under Section 3 of this Act;
- (c) Failure to comply with Section 8 of this Act;
- (d) Failure to comply with rules adopted by the Legislative Assembly; or,
- (e) A violation of the minimum standards for physical, emotional, intellectual and moral fitness for elected service described in ORS 236.

UNIT CAPTIONS

SECTION 9. The unit captions used in this Act are provided only for the convenience of the reader and do not become part of the statutory law of this state.

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