



# OFFICE OF THE SECRETARY OF STATE

## NEWS RELEASE

**BILL BRADBURY**

**For Immediate Release:**  
February 18, 2005

**Contact:** Carla Corbin  
Elections Division  
(503) 986-1518

The Office of the Secretary of State received a draft ballot title from the Attorney General on February 17, 2005, for initiative petition #27, proposing a statutory amendment, for the General Election of November 7, 2006.

The draft ballot title is as follows:

**ESTABLISHES LIMITS ON BANK FEES FOR CHECKING ACCOUNT  
ITEMS PRESENTED FOR PAYMENT AGAINST NON-SUFFICIENT FUNDS**

**RESULT OF "YES" VOTE:** "Yes" vote establishes limits on fees that banks can charge for checking account items that are presented for payment against an account with non-sufficient funds.

**RESULT OF "NO" VOTE:** "No" vote retains existing law, which does not limit fees banks can charge for checking account items presented for payment against account with non-sufficient funds.

**SUMMARY:** Current state law does not impose limits on bank fees for checking account items that are presented for payment against accounts with non-sufficient funds. This measure places limits on bank fees for checking account items presented for payment against accounts with non-sufficient funds. Prohibits fees exceeding \$10.00 for such items that are returned by the bank unpaid or \$15.00 for such items that are paid by the bank. Allows the Oregon Legislature to periodically adjust the limits established by this measure. Prohibits the Oregon Legislature from increasing limits in a manner that exceeds rate of inflation since the most recent adjustment to the limits. Does not prevent any bank from closing the account of any customer whose account is chronically overdrawn. Other provisions.

Chief Petitioner(s): Bill Sizemore, PO Box 343, Beavercreek, OR 97004.

Copies of the text of this initiative are available at Room 141, State Capitol for \$.25. Written requests for copies with your remittance of \$1.00 prepaid, should be addressed to: Elections Division, Room 141 State Capitol, Salem, OR 97310-0722.

There now follows an appeal period of 10 business days during which any member of the public may submit written comments which address the specific legal standards a ballot title must meet to the Secretary of State's office. This period ends March 4, 2005. Comments must be addressed to: Elections Division, Room 141 State Capitol, Salem, OR 97310-0722; fax (503) 373-7414.

The Secretary of State will deliver all written comments to the Attorney General. If comments are received, the Attorney General shall issue the certified ballot title not later than the 10<sup>th</sup> business day after receiving the comments from the Secretary of State. If no comments are received, the Attorney General shall issue the certified ballot title not later than the fifth business day after the deadline for submitting comments.

In addition, during this ballot title comment period, the Secretary of State will also seek statements from interested persons regarding whether or not a proposed initiative petition complies with procedural constitutional requirements for submission of proposed initiative petitions. The Secretary will consider the information provided in the statements received from interested persons. If you wish to comment, this period ends March 4, 2005. Comments must be addressed to: Elections Division, Room 141 State Capitol, Salem, OR 97310-0722; fax (503) 373-7414.

Any elector who is dissatisfied with the ballot title certified by the Attorney General, and who timely submitted written comments which addressed the specific legal standards a ballot title must meet, may petition the Oregon Supreme Court seeking a different title. This appeal must be filed not later than the 10<sup>th</sup> business day after the Attorney General certifies a ballot title to the Secretary of State.

The required number of signatures for placement on the 2006 general election ballot is 75,630. These signatures must be filed in this office not later than July 7, 2006.



DEPARTMENT OF JUSTICE  
APPELLATE DIVISION

February 17, 2005

John Lindback  
Director, Elections Division  
Office of the Secretary of State  
141 State Capitol  
Salem, OR 97310

Re: Proposed Initiative Petition — Establishes Limits On Bank Fees For Checking Account  
Items Presented For Payment Against Non-Sufficient Funds  
DOJ File #BT-27-05; Elections Division #27

Dear Mr. Lindback:

We have prepared and hereby provide to you a draft ballot title for the above-referenced prospective initiative petition. The proposed measure relates to establishing limits on bank fees for checking account items presented for payment against non-sufficient funds.

Written comments from the public are due to you within ten business days after your receipt of this draft title. A copy of all written comments provided to you should be forwarded to this office immediately thereafter.

A copy of the draft ballot title is enclosed.

Sincerely,

Misty Kintz  
Legal Secretary

SJG:mlk/APP76772

Enclosure

c: Peter Shepherd, Deputy Attorney General  
Don Arnold, General Counsel Division  
Steve Wolf, General Counsel Division

Bill Sizemore  
P.O. Box 343  
Beavercreek, Oregon 97004

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SEC. DEPT. OF THE STATE

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**DRAFT BALLOT TITLE**

**ESTABLISHES LIMITS ON BANK FEES FOR CHECKING ACCOUNT ITEMS  
PRESENTED FOR PAYMENT AGAINST NON-SUFFICIENT FUNDS**

**RESULT OF "YES" VOTE:** "Yes" vote establishes limits on fees that banks can charge for checking account items that are presented for payment against an account with non-sufficient funds.

**RESULT OF "NO" VOTE:** "No" vote retains existing law, which does not limit fees banks can charge for checking account items presented for payment against account with non-sufficient funds.

**SUMMARY:** Current state law does not impose limits on bank fees for checking account items that are presented for payment against accounts with non-sufficient funds. This measure places limits on bank fees for checking account items presented for payment against accounts with non-sufficient funds. Prohibits fees exceeding \$10.00 for such items that are returned by the bank unpaid or \$15.00 for such items that are paid by the bank. Allows the Oregon Legislature to periodically adjust the limits established by this measure. Prohibits the Oregon Legislature from increasing limits in a manner that exceeds rate of inflation since the most recent adjustment to the limits. Does not prevent any bank from closing the account of any customer whose account is chronically overdrawn. Other provisions.

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CLERK OF THE STATE